
Delaware Register of Regulations

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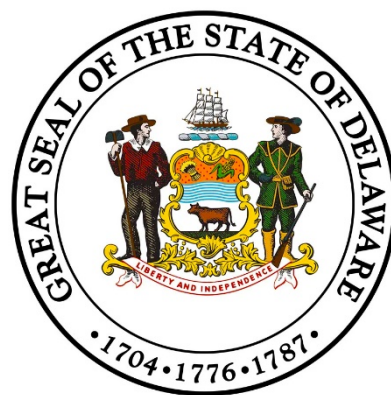
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before January 15, 2026.

Cover Photo
Legislative Hall

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

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

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

CITATION TO THE DELAWARE REGISTER

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

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

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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

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

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

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

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

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

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

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

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
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.
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.

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The regulations are listed alphabetically by the promulgating agency, followed by a citation to that issue of the *Register* in which the regulation was published. Proposed regulations are designated with (Prop.); Final regulations are designated with (Final); Emergency regulations are designated with (Emer.); and regulations that have been repealed are designated with (Rep.).

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ERRATA

DEPARTMENT 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** 817

ERRATA

817 Medications and Treatments

*** Please Note:** The Department of Education, Office of the Secretary, proposed regulation for 817 Medications and Treatments was published in the November 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 366 (11/01/25)). The formatting for subsection 8.1 was inadvertently published incorrectly.

Subsection 8.1 was published as:

8.1 School nurses and trained persons are authorized by 16 **Del.C.** Ch. 30G to administer an opioid antagonist to an individual who is believed to be experiencing an opioid overdose in the school setting.

Subsection 8.1 should have been published as:

8.1 School nurses and trained persons are authorized by 16 **Del.C.** Ch. 30G to administer an opioid antagonist to an individual who is believed to be experiencing an opioid overdose in the school setting.

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

DEPARTMENT OF FINANCE

OFFICE OF THE STATE LOTTERY

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

ERRATA

203 Video Lottery and Table Game Regulations

*** Please Note:** The Department of Finance, Office of the State Lottery, proposed regulation for 203 Video Lottery and Table Game Regulations was published in the December 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 486 (12/01/25)). The following provisions were inadvertently published incorrectly:

Subsection 5.12.6 was published as:

5.12.6 Promptly report to the agency any violation or any facts or circumstances that may result in a violation of State or Federal law, ~~and~~ any rules or regulations adopted pursuant thereto either or both.

Subsection 5.12.6 should have been published as:

5.12.6 Promptly report to the agency any violation or any facts or circumstances that may result in a violation of State or Federal law, ~~and/or~~ any rules or regulations adopted pursuant thereto either or both.

Subsection 5.12.15 was published as:

5.12.15 Promptly report to the lottery office any violation or any facts or circumstances that may result in a violation of State or Federal law ~~and~~ any rules or regulations pursuant thereto, excluding violations concerning motor vehicle laws.

Subsection 5.12.15 should have been published as:

5.12.15 Promptly report to the lottery office any violation or any facts or circumstances that may result in a violation of State or Federal law ~~and/or~~ any rules or regulations pursuant thereto, excluding violations concerning motor vehicle laws.

Subsection 6.25 was published as:

6.25 Immediately report to the agency any violation or any facts or circumstances that may result in a violation of State or Federal law ~~and/~~ any rules or regulations pursuant thereto by the agent, its employees, or anyone acting on behalf of the agent, excluding violations concerning motor vehicle laws.

Subsection 6.25 should have been published as:

6.25 Immediately report to the agency any violation or any facts or circumstances that may result in a violation of State or Federal law ~~and/or~~ any rules or regulations pursuant thereto by the agent, its employees, or anyone acting on behalf of the agent, excluding violations concerning motor vehicle laws.

Subsection 6.40.1 was published as:

6.40.1 Immediately notify the DGE about any illegal ~~and/~~ suspicious activities that occur or are occurring in the agent's video lottery facility that relate to the safety, security ~~and/~~ gaming operations of the facility. An agent shall also immediately notify the DGE of any illegal or suspicious activities that occur outside of the video lottery facility that relate to the safety, security ~~and/~~ gaming operations of the video lottery facility.

Subsection 6.40.1 should have been published as:

6.40.1 Immediately notify the DGE about any illegal ~~and/or~~ suspicious activities that occur or are occurring in the agent's video lottery facility that relate to the safety, security ~~and/or~~ gaming operations of the facility. An agent shall also immediately notify the DGE of any illegal or suspicious activities that occur outside of the video lottery facility that relate to the safety, security ~~and/or~~ gaming operations of the video lottery facility.

Subsection 7.15.1.1.8.2 was published as:

7.15.1.1.8.2 The failure of a ~~video lottery~~ an agent to prevent ~~video lottery or table~~ play by a self-excluded person, or the failure by the agent to restore the ability of self-excluded person to play ~~video lottery machines or table~~ ;

Subsection 7.15.1.1.8.2 should have been published as:

7.15.1.1.8.2 The failure of a ~~video lottery~~ an agent to prevent ~~video lottery or table~~ game play by a self-excluded person, or the failure by the agent to restore the ability of self-excluded person to play ~~video lottery machines or table~~ games;

Subsection 7.16.3.3 was published as:

7.16.3.3 Within 30 days after service by mail or in person or 60 days after the last publication, the person named may request a hearing before the Lottery Commission and show cause why ~~he~~ the person's name should ~~have~~ be taken from such a list. Failure to request a hearing within the time allotted in this section precludes the person from having an administrative hearing, but in no way affects ~~his~~ the person's right to petition for judicial review.

Subsection 7.16.3.3 should have been published as:

7.16.3.3 Within 30 days after service by mail or in person or 60 days after the last publication, the person named may request a hearing before the Lottery Commission and show cause why ~~he~~ the

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person's name should ~~have his name~~ be taken from such a list. Failure to request a hearing within the time allotted in this section precludes the person from having an administrative hearing, but in no way affects his ~~the person's~~ right to petition for judicial review.

Subsection 36.1.2 was published as:

36.1.2 Employ an internal ~~and/~~ external, or both independent audit function to test for compliance;

Subsection 36.1.2 should have been published as:

36.1.2 Employ an internal ~~and/or~~ external, or both independent audit function to test for compliance;

Subsection 38.1.1 was published as:

38.1.1 Adequate facilities for the detention of individuals taken into custody by its security department, the State Police, DGE, or any authorized law enforcement agency. The facilities shall include, at a minimum, a bench or other apparatus which is permanently affixed to the facility and to which the person in custody can be handcuffed ~~and/~~ secured, or both with as little discomfort to that person as is reasonably possible under the circumstances;

Subsection 38.1.1 should have been published as:

38.1.1 Adequate facilities for the detention of individuals taken into custody by its security department, the State Police, DGE, or any authorized law enforcement agency. The facilities shall include, at a minimum, a bench or other apparatus which is permanently affixed to the facility and to which the person in custody can be handcuffed ~~and/or~~ secured, or both with as little discomfort to that person as is reasonably possible under the circumstances;

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

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

ERRATA

4204 Care and Transportation of the Dead

*** Please Note:** The Department of Health and Social Services, Division of Public Health, proposed regulation for 4204 Care and Transportation of the Dead was published in the August 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 98 (08/01/25)). The following provisions were inadvertently published incorrectly:

Section 2.0 was published as:

2.0 Authority

The Department of Health and Social Services, Division of Public Health, may adopt, promulgate, amend, and repeal such regulations as may be consistent with law pursuant to 16 **Del.C.** §122(3) and 3103.

Section 2.0 should have been published as:

2.0 Authority

The Department of Health and Social Services, Division of Public Health, may adopt, promulgate, amend, and repeal such regulations as may be consistent with law pursuant to 16 **Del.C.** §122(3) and 3103.

Subsection 4.3 was published as:

4.3 Disposition of unclaimed body or remains of indigent person. Pursuant to 29 Del.C. §4711:

Subsection 4.3 should have been published as:

4.3 Disposition of unclaimed body or remains of indigent person. Pursuant to 29 Del.C. §4711:

Subsection 8.1 was published as:

8.1 No person may destroy or dispose of a deceased human body, regardless of cause of death, by burning or natural organic reduction, except in a crematory or natural organic reduction facility licensed for this express purpose and under the conditions provided in 16 Del.C. §§3158 and 3164.

Subsection 8.1 should have been published as:

8.1 No person may destroy or dispose of a deceased human body, regardless of cause of death, by burning or natural organic reduction, except in a crematory or natural organic reduction facility licensed for this express purpose and under the conditions provided in 16 Del.C. §§3158 and 3164.

Subsection 9.4 was published as:

9.4 Analysis of material samples for natural organic reduction. A natural organic reduction facility shall be responsible for the requirements as listed in 16 Del.C. §3165.

Subsection 9.4 should have been published as:

9.4 Analysis of material samples for natural organic reduction. A natural organic reduction facility shall be responsible for the requirements as listed in 16 Del.C. §3165.

Section **3.010.0** was published as:

3.010.0 Burial of the Timeframe for Disposition of a Dead Body

Section **3.010.0** should have been published as:

3.010.0 Burial of the Dead Timeframe for Disposition of a Dead Body

Subsection 9.416.1 was published as:

9.416.1 No dead body shall be removed from its place of original interment unless a permit from the State Registrar marked "Disinterment Permit" is secured by a licensed funeral director in charge of the disinterment (EXCEPTION – Title 16, 3154 of the Delaware Code 16 Del.C. §3154). The qualified person making the application shall present to the State Registrar the correct name, age, date of ~~death~~death, and cause of death of the body to be disinterred, and place of disinterment (hundred and county), together with written consent of next of kin. The State Registrar may require legal proof of such kinship.

Subsection 9.416.1 should have been published as:

9.416.1 No dead body shall be removed from its place of original interment unless a permit from the State Registrar marked "Disinterment Permit" is secured by a licensed funeral director in charge of the disinterment (EXCEPTION – Title 16, 3154 of the Delaware Code 16 Del.C. §3154). The qualified person making the application shall present to the State Registrar the correct name, age, date of ~~death~~death, and cause of death of the body to be disinterred, and place of disinterment (hundred and county), together with written consent of next of kin. The State Registrar may require legal proof of such kinship.

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

DIVISION OF PUBLIC HEALTH

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

ERRATA

4305 Trauma System

* **Please Note:** The Department of Health and Social Services, Division of Public Health, proposed regulation for 4305 Trauma System was published in the November 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 376 (11/01/25)). The underlined formatting of new language was inadvertently omitted.

Subsection 6.5.1.1 was published as:

6.5.1.1 All acute care inpatient facilities in Delaware which receive traumatically injured patients shall be required to contribute to the State Trauma Registry program by collecting and recording electronic data into the facility registry system, following the patient criteria described in the current and subsequent updated versions of the Delaware Trauma Registry Inclusion Criteria located on the Trauma System of Care webpage (<https://dhss.delaware.gov/dph/ems/trauma/>).

Subsection 6.5.1.1 should have been published as:

6.5.1.1 All acute care inpatient facilities in Delaware which receive traumatically injured patients shall be required to contribute to the State Trauma Registry program by collecting and recording electronic data into the facility registry system, following the patient criteria described in the current and subsequent updated versions of the Delaware Trauma Registry Inclusion Criteria located on the Trauma System of Care webpage (<https://dhss.delaware.gov/dph/ems/trauma/>).

Subsection 6.5.2.1 was published as:

6.5.2.1 To ensure consistent data collection across Delaware, data is entered into the National Trauma Data Bank according to the National Trauma Data Standards, which are provided in the current and subsequent updated versions of the Delaware Trauma System Data Dictionary, located on the Trauma System of Care webpage (<https://dhss.delaware.gov/dph/ems/trauma/>).

Subsection 6.5.2.1 should have been published as:

6.5.2.1 To ensure consistent data collection across Delaware, data is entered into the National Trauma Data Bank according to the National Trauma Data Standards, which are provided in the current and subsequent updated versions of the Delaware Trauma System Data Dictionary, located on the Trauma System of Care webpage (<https://dhss.delaware.gov/dph/ems/trauma/>).

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

Symbol Key

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

Proposed Regulations

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

DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM (DELJIS) BOARD OF MANAGERS

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

PROPOSED

PUBLIC NOTICE

1301 Delaware Criminal Justice Information System Rules and Regulations

Notice is hereby given that the Board of Managers of the Delaware Criminal Justice Information System (DELJIS), in accordance with 11 Del.C. §8605, proposes to amend the adopted rules in **1 DE Admin. Code 1301** Delaware Criminal Justice Information System Rules and Regulations. The Board proposes to add a subsection to Rule 6.0 Responsibilities of Authorized Agencies; the change is intended to facilitate and ensure compliance with the legislative directive in 11 Del.C. §8404(d) that every police agency be accredited by the Delaware Police Accreditation Commission no later than July 1, 2028. Any persons wishing to present comments on the proposed changes may submit them in writing, by Tuesday, March 3, 2026, to Colonel James Leonard, DELJIS Board Chairperson, C/O: Alyssa Huenke, 800 Silver Lake Blvd., Suite 101, Dover, DE 19904, or via email to alyssa.huenke@delaware.gov. The Board will consider any written comments received by Tuesday, March 3, 2026, during its next regularly scheduled meeting and will determine whether to adopt the proposed rule as originally published or make additional changes because of the public comments received.

*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/february2026/proposed/29 DE Reg 659RFA 02-01-26.pdf](https://regulations.delaware.gov/register/february2026/proposed/29%20DE%20Reg%20659RFA%2002-01-26.pdf)

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

[https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 659 02-01-26](https://regulations.delaware.gov/register/february2026/proposed/29%20DE%20Reg%20659%2002-01-26)

PROPOSED REGULATIONS

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 8906E (14 Del.C. §8906E)
14 DE Admin. Code 239

PROPOSED

PUBLIC NOTICE

239 Behavioral Health Professional of the Year

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §8906E, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 239 Behavioral Health Professional of the Year. The Department reviewed this regulation in compliance with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before March 3, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 660RFA 02-01-26.pdf>

239 Behavioral Health Professional of the Year

1.0 Purpose

The purpose of this regulation is to establish policies and procedures by which the Behavioral Health Professional of the Year award funds may be used by the designated recipient pursuant to 14 Del.C. §8904E. §8906E.

2.0 Definitions

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

"Behavioral Health Professional of the Year Award Fund"~~fund~~ means a ~~\$5000~~\$5,000 fund set aside within the budget of the Department of Education for the award recipient to make withdrawals from as necessary to fund educational purposes and objectives as described in 14 Del.C. Ch. 89E.

"Behavioral Health Professional of the Year Award Recipient" or **"Recipient"**~~recipient~~ or **"recipient"** means a school employee whose position is health care practitioner or social or human services provider who offers services for the purpose of improving an individual's mental health, such as school counselors, school social workers, licensed clinical social workers, school psychologists and school nurses as described in 14 Del.C. Ch. 89E. This designation is given at both the local school district and at the statewide level. The Delaware Charter School Network is also invited to participate.

"Department" means the Delaware Department of Education.

3.0 Funding

3.1 The Behavioral Health Professional of the Year Award Fund~~fund~~, in the amount of \$5,000 shall be set aside within the budget of the Department to be used by the statewide Behavioral Health Professional of the Year Award Recipient~~recipient~~ for educational purposes or objectives benefiting pupils.

3.1.1 The Behavioral Health Professional of the Year Award Recipient~~recipient~~ shall not directly receive the funds or use them for personal benefit, however, the Recipient~~recipient~~ may be an indirect or incidental beneficiary as the Behavioral Health Professional of the benefited pupils.

3.1.2 In order to withdraw funds, the Recipient~~recipient~~ shall present to the superintendent of the local school district or charter school head of school a plan for utilization of the award in order to avoid wasteful duplication of materials or violation of school district ~~policy~~or charter school policy.

3.1.3 Possible use of funds ~~includes, but is not limited to:~~may include:

3.1.3.1 Purchase of non-consumable materials and ~~supplies (library books, audio-visual equipment, crossing signs, computer equipment and programs, musical instruments, specialized furniture);~~supplies;

3.1.3.2 Purchase of otherwise consumable materials that are used by students (paper, notebooks, binders, pens, pencils, paints, instruments, wood and metal);students;

3.1.3.3 Employment of performers or consultants (touring companies of a dramatic nature or musical group, visiting artist, poet, author or other subject matter expert);consultants;

3.1.3.4 Student-centered professional development for building level Behavioral Health Professionals; or

3.1.3.5 Reimbursements to the recipient, not to exceed \$500, for personal expenses.

3.1.4 Materials, equipment or other durable items purchased with such funds shall be the property of the local school district or charter school in which the recipient is employed at the time of expenditure.

3.1.5 Invoices, ~~purchase orders~~purchase orders, or personal reimbursement forms related to withdrawals from the Behavioral Health Professional of the Year Award Fund~~fund~~ shall be retained by the local school district or charter school and shall be available for inspection as public records and subject to regular audit by the State Auditor of Accounts.

3.1.6 In the event that all funds set aside for an award recipient have not been completely expended by that recipient at the time when a subsequent award is granted, the remainder of the former recipient's award shall not revert, but shall remain set aside in the name of the former recipient until such time as it is totally expended or the recipient becomes deceased or leaves ~~the State of Delaware~~employment with the Delaware public school system.

3.1.7 The Behavioral Health Professional of the Year Award Fund~~fund~~ shall be distinct from, and in addition to, the range of awards at the school district or charter school level.

3.2 School districts shall fund the \$2,000 personal award, including other employment costs, to the person chosen district Behavioral Health Professional of the Year. The specific charter school which employs the chosen overall charter school Behavioral Health Professional of the Year shall fund the \$2,000 personal award, including other employment costs. Additionally, the Department of Education will set aside a \$3,000 personal award, including other employment costs, to the statewide Behavioral Health Professional of the Year.

PROPOSED REGULATIONS

OFFICE OF THE SECRETARY

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

PROPOSED**PUBLIC NOTICE****610 Limitations on Use of Seclusion and Restraint****A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §4112F, the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 610](#) Limitation on Use of Seclusion and Restraint. The Department made several changes to align the regulation with most recent changes to Delaware Code.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department’s online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before March 3, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

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

***Please Note:**

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 662RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 662 02-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 612

PROPOSED**PUBLIC NOTICE****612 Possession, Use or Distribution of Drugs and Alcohol****A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(b), the Delaware Department of Education (“Department”) developed amendments to 14 **DE Admin. Code** 612 Possession, Use or Distribution of Drugs and Alcohol. 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 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 March 3, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

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

***Please Note:**

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 663RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 663 02-01-26>

PROPOSED REGULATIONS

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

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

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)(26), the Delaware Department of Education (DDOE) developed amendments to 14 **DE Admin. Code** 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings. This regulation is being amended pursuant to 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years.

This regulation was previously published as proposed on July 1, 2025, September 1, 2025 and November 1, 2025. After the last publication, based on public comments received, additional substantive amendments were identified as needing inclusion in the regulations. The original amendments and additional amendments are included in this proposed regulation.

Below are the responses to the public comments from the last publication in November 2025:

Issue: The Colonial School District recommends extending the timeframe for convening an alternative placement team (APT) meeting, noting that the initial 20-day requirement had been reduced to 14 days when the proposed regulation was re-released in November. The district expressed concern that schools may be unable to schedule and complete the manifestation determination review (MDR) before the APT meeting, which could create confusion for the student, parent, and school. The district advised that a 17-day timeframe would provide a reasonable and workable period for school districts and charter schools. Additionally, The Indian River School District requests that DDOE reconsider the proposed change to the timeframe for convening an alternative placement team meeting, expressing concern that reducing the window from 20 days to 14 days may create scheduling conflicts with the MDR.

Agency Response: After further review, the Department has decided to remove this proposed change to the regulation. Several initiatives are currently analyzing student behavior and alternative placements, and the Department anticipates receiving recommendations that will impact programming for these students. Accordingly, the Department will defer making changes to the process until all recommendations are received. All submitted comments will be considered alongside these forthcoming recommendations.

~~6.2.6.1.2 The APT meeting shall be held not more than 14 business days after receipt of the written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing.~~

Issue: The State Council for Persons with Disabilities (SCPD) and the Governor's Advisory Council for Exceptional Citizens (GACEC) recommend reconciling inconsistencies between the proposed definition of alternative placement in Regulation 616 and the definition provided in Regulation 611.

Agency Response: The Department thanks SCPD and the GACEC for this recommendation and will consider aligning the definition of alternative placement in Regulation 611 when it is amended.

Issue: The SCPD and GACEC request that the Department explain the actual difference between an alternative placement and expulsion with CDAP placement.

Agency Response: Alternative placement and expulsion are both disciplinary consequences for violating a district or charter school's student code of conduct. However, alternative placement is a less severe action than expulsion and allows the student to continue receiving educational services in a different setting. Regulation 611 outlines eligibility criteria for alternative placement, which include students who have been expelled by a local school district or charter school, students who are subject to expulsion, or students who have otherwise seriously violated the district or charter

school's discipline code. The regulation also requires districts and charter schools to provide an explanation when a student is expelled but not referred for consideration for an alternative placement.

Issue: The SCPD and GACEC recommend that the Department amend the 616 regulations to provide the same appeal rights for students facing alternative placement and long-term suspension as those facing expulsion, including appeal rights up to and including the State Board of Education.

Agency Response: The Department appreciates the SCPD's and GACEC's recommendation to extend appeal rights for students facing alternative placement and long-term suspension to align with those available in expulsion proceedings. Several initiatives are currently analyzing student behavior and alternative placements, and the Department anticipates receiving recommendations that will impact programming for these students. Accordingly, the Department will defer making new substantive changes to the process until all recommendations are received. All submitted comments will be considered alongside these forthcoming recommendations.

Issue: The SCPD and GACEC inquired as to why the Department removed this provision to "include the allegedly offending student or Parent in the preliminary investigation" and recommends that the language be restored as it is action necessary to determine what occurred and whether discipline is warranted.

Agency Response: The Department appreciates the SCPD's and GACEC's attention to this change. The provision requiring schools to "include the allegedly offending student or parent in the preliminary investigation" was removed to provide districts and charter schools with flexibility in determining the most appropriate and timely investigative steps, consistent with their local procedures and due process requirements. The original language was also vague regarding the role of the student or parent and was not consistently implemented. Although the specific language has been removed, nothing in the regulation prohibits districts or charter schools from including the student or parent in the preliminary investigation when appropriate, and parents continue to be included in meetings and in the review that occurs after the LEA investigation is completed.

Issue: The SCPD and GACEC request that the Department explain why three additional days to provide notice under 4.1.1.2 are necessary or otherwise recommend that the Department remove the additional three days for the principal to provide an explanation of the evidence.

Agency Response: The Department appreciates the SCPD's and GACEC's request for clarification. The current language "as soon as practicable, but no later than 3 business days from notification by the principal" is intended to ensure that the student receives an explanation of the evidence as promptly as possible after the preliminary investigation has begun. Evidence is not always available immediately at the time of the initial notification, as interviews and other investigative steps constitute evidence and may require additional time to complete. The 3-day window provides districts and charter schools with flexibility necessary to gather and review preliminary evidence while still ensuring that students receive timely notice.

Issue: The SCPD and GACEC recommend that the Department require that written notification of disciplinary action, basis for such action, and appeal/grievance process be provided prior to the student being required to serve the suspension. In addition, SCPD and GACEC recommend that the regulations specify that the written notification (or any written notification regarding disciplinary action) be provided to the parent in the language in which they are most comfortable speaking or reading.

Agency Response: The Department appreciates the SCPD's and GACEC's recommendation. Written and verbal notifications are addressed in subsection 5.4. Under this provision, verbal notification of the disciplinary action is required prior to the student serving the suspension, and written notification must be provided "as soon as practicable, but no later than 3 business days from day 1 of the suspension." Students and parents also receive information about the grievance or appeal process at the beginning of each school year through the district or charter school's student code of conduct. The Department supports ensuring notifications are accessible to parents in their preferred language, and districts and charter schools must continue to follow applicable language-access requirements.

Issue: The SCPD and GACEC recommend that the Department explicitly include in proposed 4.2 (current 4.2.1) that the provision related to the immediate removal of students due to alleged threats to health or safety not apply to students with disabilities if it would result in a disciplinary change of placement.

Agency Response: The Department appreciates the SCPD's and GACEC's recommendation. The intent of the provision in 4.2 (current 4.2.1) is to allow for the immediate removal of students when there is an alleged threat to health or safety, while still complying with all applicable federal and state laws regarding students with disabilities, including protections related to disciplinary changes of placement. While the regulation does not explicitly restate this exemption, the Department acknowledges that students with disabilities cannot be removed in a manner that results in a disciplinary

change of placement without following the required procedural safeguards. Section 9.0 further clarifies that nothing in this provision impacts the rights of students under IDEA.

Issue: The SCPD and GACEC recommend that the Department replace “from” with “before” to ensure that the grievance procedure, and ability to appeal, is provided prior to the student serving the first day of the suspension.

Agency Response: The Department appreciates the SCPD’s and GACEC’s recommendation. The proposed language requires that written notification of the suspension and the grievance process be provided to the student and parent, if under 18, as soon as practicable, but no later than 3 business days from day 1 of the suspension. Parents also receive grievance procedures at the start of the school year with the student code of conduct. This language ensures timely notice while allowing districts and charter schools flexibility, and the Department intends to retain it in the proposed regulation.

Issue: The SCPD and GACEC inquired as to why the Department added this restriction on a student’s rights to appeal suspensions of two days or less.

Agency Response: The Department added this clarification to focus appeal rights on suspensions of more than two days, which are more likely to significantly impact a student’s education, while still ensuring that all suspensions are addressed through existing grievance procedures.

Issue: The SCPD and GACEC support and re-emphasize the comments from the Department of Services for Children, Youth and Their Families (DSCYF) and requests that the language be struck or otherwise be amended to include the emphasis stated by the Department in its response to DSCYF’s comment.

Agency Response: The Department appreciates the SCPD’s and GACEC’s recommendation. The regulation will retain language allowing virtual services when necessary, which benefits students who are restricted from in-person placement due to ineligibility under Regulation 611. Districts and charter schools should prioritize in-person alternatives unless virtual programming clearly better supports the student’s academic progress and successful transition back to regular school programming. This emphasis will be reinforced through guidance and training rather than included in the regulation text.

Issue: The SCPD and GACEC recommend that the Department ensure that the Memorandum of Understanding (MOU) is available to and easily accessible by the public.

Agency Response: The Department appreciates the SCPD’s and GACEC’s recommendation. The MOU will be made publicly available and accessible through the Department’s website, ensuring transparency and easy access for all stakeholders.

Issue: The SCPD and GACEC recommend that the Department clarify that the language in proposed 6.2.6.1 means that the notification must be received by the student at least five business days before the meeting.

Agency Response: The Department notes that the proposed language in 6.2.6.1 requires that notification of the alternative placement meeting be provided at least five business days before the meeting, while 6.2.6.1.2 clarifies that written notice is deemed received on the fourth business day after mailing. Together, these provisions ensure that the student effectively receives notice with sufficient time before the meeting, and there is no conflict between the two requirements.

Issue: The SCPD and GACEC recommend that language be added to allow schools to provide an alternative means of participation, such as by phone or virtual meeting platform, for students who the school considers a threat; and provisions to reschedule based on parent availability since the Department may have unintentionally removed the language.

Agency Response: The Department appreciates the SCPD’s and GACEC’s feedback. Proposed 6.2.6 already allows for student participation by alternative means and for rescheduling if needed; in-person attendance is not required. The purpose of 6.2.6.3.2 is to provide guidance when parents are not cooperative with the APT process.

Issue: The SCPD and GACEC recommend that the Department remove the provision related to Attorney General Reports as inconsistent with the provisions outlined in 14 Del. Admin. C. § 614, which governs the processing and handling of Attorney General Reports.

Agency Response: The Department disagrees that this provision conflicts with Regulation 613 - Uniform Procedures for Processing Attorney General’s Reports. In situations where the student withdraws before serving disciplinary action, the original district or charter school may request information directly from the Attorney General’s Office. The Delaware Criminal Justice Information System (DELJIS) MOU permits sharing this information between superintendents and

heads of schools for such cases. This provision applies specifically to circumstances where the original district was pursuing disciplinary action, but the student left the district before it was completed.

Issue: The SCPD and GACEC recommend that the Department require a review at least each marking period for all students regardless of grade level.

Agency Response: The Department appreciates the recommendation and will consider including it in future updates to the regulation. Several initiatives are currently analyzing student behavior and alternative placements, and the Department anticipates receiving recommendations that will impact programming for these students. Accordingly, the Department will defer making new substantive changes to the process until all recommendations are received. All submitted comments will be reviewed alongside these forthcoming recommendations.

Issue: The SCPD and GACEC recommend that the Department include a grievance or appeal process that would allow the student to challenge the decision for a student to remain in alternative placement.

Agency Response: The Department appreciates the recommendation and may consider including a grievance or appeal process in future updates to the regulation. Several initiatives are currently analyzing student behavior and alternative placements, and the Department anticipates receiving recommendations that will impact programming for these students. Accordingly, the Department will defer making new substantive changes to the process until all recommendations are received. All submitted comments will be reviewed alongside these forthcoming recommendations.

Issue: The SCPD and GACEC recommend that the Department meet with the staff at DELJIS to ensure Attorney General's Reports are only sent for incidents occurring off school grounds and to include a provision explicitly prohibiting a district or charter school from using an Attorney General's Report for on-campus conduct as the basis for disciplining a student.

Agency Response: The Department appreciates the recommendation. Attorney General's Reports for on-campus activities relate to incidents that are already known to the school. Schools have the authority to discipline students for such incidents based on their student codes of conduct.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before March 3, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards.
2. Will the regulation help ensure that all students receive an equitable education? The amended regulation is not designed to help ensure all students receive an equitable education.
3. Will the regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help ensure all students' health and safety are adequately protected by providing uniform due process procedures for suspension, alternative placement and expulsion hearings.
4. Will the regulation help to ensure that all students' legal rights are respected? The amended regulation helps to ensure that all students' legal rights are respected by providing uniform due process procedures for suspension, alternative placement and expulsion hearings.
5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making at the local board and school level.
6. Will the 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 any unnecessary reporting or administrative requirements or mandates on decision makers.
7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The regulation does not change the decision making authority and accountability for addressing the subject to be regulated. By statute, the Department promulgates regulations governing the uniform due process procedures for suspension, alternative placement and expulsion hearings.

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 new regulation is consistent with and not an impediment to the implementation of other state educational policies.
9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the amended regulation.
10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no 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/february2026/proposed/29 DE Reg 664RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 664 02-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 1305 and 1312(a) (14 Del.C. §§1305 & 1312(a))
14 DE Admin. Code 706

PROPOSED

PUBLIC NOTICE

706 Credit for Experience for Full Time Active Duty Service in the Armed Forces

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §§1305 and 1312(a), the Delaware Department of Education (“Department”) developed amendments to 14 DE Admin. Code 706 Credit for Experience for Full Time Active Duty Service in the Armed Forces. 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 changes to the regulation as well as amended to comply with *the Delaware Administrative Code Drafting and Style Manual*.

The regulation was previously published as proposed in the October *Register of Regulations*. The Department received one written submittal related to the proposed regulation. The written submittal was from the Delaware State Education Association (DSEA).

Issue: DSEA requested that the Department to remove the five (5) year window for individuals with Active Duty Experience. The DSEA stated that this timeline was arbitrary and removing it will provide greater incentive for military veterans to enter the education workforce. The DSEA also stated that regulations currently do not have a timeline for those completing graduate level coursework and that military experience should be treated similarly.

Agency Response: The Department agrees that this timeframe is arbitrary and has no legal basis for inclusion in this regulation. The Department supports the change recommended by DSEA and the regulation has been updated to reflect the strike through of previously published 3.1.1 and 3.1.2.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department’s online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before March 3, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy

from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 668RFA 02-01-26.pdf>

706 Credit for Experience for Full Time Active Duty Service in the Armed Forces

1.0 Purpose

The purpose of this regulation is to provide guidance relative to military service for salary calculations for employees paid under [14 Del.C. §1305](#), and as referenced in [14 Del.C. §1312\(a\)](#).

2.0 Definitions

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

“Active Duty ~~duty~~” means full-time duty in the active military service of the United States, ~~to include, but not be limited to including,~~ full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of a military department.

“Armed Forces” means the following branches of the United States armed forces: Army, Air Force, Marine Corps, Navy, Space Force, and Coast Guard; or National Guard of the State.

“~~Course of Professional or Vocational Training~~ professional or vocational training” means work leading to the attainment of a certificate, ~~diploma~~diploma, or degree, and offered by a public or private, non-profit or proprietary institution as approved or accredited by an appropriate State agency or ~~National/Regional~~national/regional organization. A person engaged in such course of instruction shall have been enrolled on a full-time basis, under regulations of the institution in effect at the time of attendance, and shall have completed the course of instruction in which enrolled, by continuous attendance, so as to complete the course of instruction on a scheduled date. Interruption of attendance may be occasioned only by reason of personal medical problems which militate against regular attendance or full-time military duty during war or other declared emergency.

3.0 Credit for Active Duty Experience

3.1 ~~Credit for Experience~~ experience for full time ~~Active Duty~~active duty, not in excess of ~~six (6)~~6 years in the Armed Forces, shall be granted provided the individual became a teacher, principal or superintendent, or other administrative employee in a Delaware public school pursuant to [14 Del.C. §1305](#), and as referenced in [14 Del.C. §1312\(a\)](#): [14 Del.C. §1312\(a\)](#).

3.1.1 ~~Within five (5) years after completion of being on Active Duty; or~~

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3.1.2 ~~Within five (5) years after completion of a Course of Professional or Vocational Training, if such Course was begun within five (5) years after completion of the individual being on Active Duty.~~

4.0 Calculation of Service Time

4.1 Credit for service in the Armed Forces shall be calculated as follows:

4.1.1 One ~~(1)~~ year of experience shall be allowed for each creditable year of full time ~~Active Duty~~ active duty.

4.1.2 No more than ~~one (1)~~ 1 year of experience may be credited for any ~~one (1)~~ 1 calendar year.

(Non regulatory Note: See [14 Del.C. §1312\(a\)](#) and §1327 Leave of Absence for Persons in Military Service).

(Non-regulatory Note: See State of Delaware Pension Plan FAQs)

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 135 (14 **Del.C.** §135)

14 **DE Admin. Code** 931

PROPOSED

PUBLIC NOTICE

931 Purple Star Schools

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** § 135, the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 931](#) Purple Star 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 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 March 3, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? 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/february2026/proposed/29 DE Reg 670RFA 02-01-26.pdf>

931 Purple Star Schools

1.0 Purpose

The purpose of this regulation is to outline criteria for district and charter schools to be designated a Purple Star School under [14 Del.C. §135](#) Purple Star Schools.

2.0 Definitions

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

“Department” means the Delaware Department of Education.

“Purple Star School” means a recognition designed to encourage the successful transition of military-connected youth, which may include the development of programs that highlight the importance of military service.

“Purple Star School Designation Application” means the form and process developed by the Department of Education, which may be amended from time to time and shall be maintained on the Department’s website.

3.0 Qualifications

3.1 In order to be designated a Purple Star School, any district or charter school shall qualify by having:

3.1.1 A designated staff member as a military liaison, whose duties include:

3.1.1.1 Identifying military-connected youth enrolled at the school;

3.1.1.2 Serving as the point of contact between the school and military-connected youth and their families;

3.1.1.3 Determining appropriate school services available to military-connected youth;

3.1.1.4 Assisting in coordinating school programs relevant to military-connected youth;

3.1.1.5 Participating in training specific to supporting the various challenges that face military families; and

3.1.1.6 Conducting school-wide professional development that informs staff of the unique needs of military-connected students and available resources.

3.1.2 An easily-accessible, maintained webpage on the school’s website that includes resources for military-connected youth and their families, including information regarding:

3.1.2.1 Relocating, enrollment, registration, and transferring records to the school.

3.1.2.2 Preparing for a move from the current school.

3.1.2.3 Academic planning information including course sequences, advanced classes, application deadlines, graduation requirements, etc.

3.1.2.4 The Interstate Compact on Educational Opportunities for ~~Military Children (MIC3)~~ Military, or MIC3.

3.1.2.5 Special education services, including related parental rights.

3.1.2.6 Counseling and other support services available for military-connected youth enrolled at the school.

3.1.3 A well-maintained transition program led by youth, where appropriate, that assists military-connected youth in transitioning into the school.

3.1.4 An assigned central office staff member to be the contact for the school-based liaison and military families, if a district.

3.1.5 A designated member of the school leadership team to be the contact for the school-based liaison and military families, if a charter school.

3.1.6 Offer at least ~~one (1)~~ 1 of the following initiatives:

3.1.6.1 A resolution showing support for military-connected youth and their families;

3.1.6.2 Recognition of the Month of the Military Child or Military Family Month with relevant events hosted by the school;

3.1.6.3 A partnership with a local military installation that provides opportunities for active duty military members to volunteer at the school, speak at an assembly, or host a field trip;

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- 3.1.6.4 A military recognition event designed to demonstrate a military-friendly culture across the school community;
 - 3.1.6.5 A public military display in the school ~~(such as a memorial, tribute wall, bulletin board, or Purple Star room); school, for example a memorial, tribute wall, bulletin board, or Purple Star room;~~
 - 3.1.6.6 Military family committees or counseling groups to offer support; or
 - 3.1.6.7 Fundraise to support military veterans and active-duty members.
- 3.1.7 A complete application submitted between November 4th 1 and February 4th 1 of the school year. Incomplete applications will not be considered.

4.0 Selection Process

- 4.1 The Department shall identify a panel of stakeholders to review the applications and determine eligibility for the designation based on the criteria in Section 3.0.
- 4.2 Designation announcements shall be made by the Department in April of each year.
- 4.3 The Purple Star School Designation shall be valid for a period of ~~three (3)~~ 3 years. The first year is the year in which the school is awarded. The school will not have to reapply for the designation for the following ~~two (2)~~ 2 years.

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 subsections 17.3.1, 17.3.2, 17.4, 17.6 (added), 17.7 and 17.8 in 10 DE Admin. Code 203.

The amendment to these subsections will update, simplify and clarify current regulations regarding the opening and closing of table games and are primarily administrative in nature.

This amendment is separate from the December 2025 changes that are being finalized in this publication.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before March 3, 2026, 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 subsection 17.3.1 and removes the inventory requirement from the definition.

The second proposed amendment is to subsection 17.3.2 and clarifies when the table inventory is required.

The third proposed amendment is to subsection 17.4 and clarifies when the table inventory is required.

The fourth proposed amendment is to add subsection 17.6 waiving the requirement for table inventory on games that have been closed or unused for more than one gaming day.

The fifth proposed amendment is to renumber subsection 17.8 to more clearly identify where the requirements can be found.

The sixth proposed amendment is to renumber subsection 17.6 and 17.7 to 17.7 and 17.8.

***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/february2026/proposed/29 DE Reg 672RFA 02-01-26.pdf>

203 Video Lottery and Table Game Regulations

(Break in Continuity of Sections)

17.0 Table Game Inventory, Opening and Closing

- 17.1 Each table game shall have attached to it a table tray (float), which shall have the table inventory of chips and coin used for gaming. The table tray shall have a clear locking cover which shall be clearly marked on the outside with the game and the gaming table number to which it corresponds and be secured to the gaming table or other secure location approved by the agency.
- 17.2 Access to table tray keys shall be limited to pit supervisors or above, and keys shall be controlled in accordance with the MICS.
- 17.3 Table inventory slips shall at a minimum be a 2-part form. One part of the form shall have "opener" pre-printed on it, and the other part shall have "closer" pre-printed on it.
 - 17.3.1 "Closer" means the original of the table inventory slip upon which each table inventory is recorded at ~~the end of each shift.~~
 - 17.3.2 "Opener" means the duplicate copy of the table inventory slip upon which each table inventory is recorded ~~at the end of each shift~~ and serves as the record of each table inventory at the beginning of the next succeeding shift ~~or when the table is opened.~~
- 17.4 ~~At the close of each shift,~~ At least once per gaming day and any time a table game is closing, the table inventory shall be counted and recorded on a table inventory form unless exempt in accordance with subsection 17.6 of this regulation. The form shall be prepared in accordance with MICS and shall contain the signature of the outgoing dealer and pit supervisor attesting to the accuracy of the form.
- 17.5 The closer shall be placed in the drop box. The opener shall be secured in the table tray face-up and able to be seen through the clear, locked cover.
- 17.6 Gaming tables that have remained closed or unused for more than 1 gaming day are exempt from table inventory requirements, with the exception that the opener shall remain in the table tray in accordance with subsection 17.5 of this regulation.
- ~~17.6~~17.7 Whenever a table game is opened, the dealer and pit supervisor shall remove the opener from the table tray and verify the count recorded on the form to the table tray inventory. If the count is correct, the dealer and pit supervisor shall sign the opener attesting to the accuracy of the information recorded thereon. If a discrepancy exists between the opener and the table inventory, the pit supervisor shall notify the surveillance department and complete a table inventory discrepancy form in accordance with procedures required by the MICS.
- ~~17.7~~17.8 Nothing in the requirements ~~herein in Section 17.0 of this regulation~~ shall preclude the use of an electronic system for Table Inventory in accordance with procedures as approved by the Director.

***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/february2026/proposed/29 DE Reg 672 02-01-26>

PROPOSED REGULATIONS

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 203 (16 **Del.C.** §203)
16 **DE Admin. Code** 4101

PROPOSED

PUBLIC NOTICE

4101 Birth Defect Surveillance and Registry Program

Pursuant to [16 Del.C. §203](#), the Department of Health and Social Services, Division of Public Health is proposing revisions to regulation 4101 Birth Defect Surveillance and Registry Program and intends to hold them open for public comment per Delaware law. The revisions include technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*, updates to Appendix A (Delaware Birth Defects Registry Reportable Diagnoses), and Appendix B (Registry Reporting Form).

Copies of the proposed regulation are available for review in the February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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/february2026/proposed/29 DE Reg 674RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 674 02-01-26>

DIVISION OF PUBLIC HEALTH

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

PROPOSED

PUBLIC NOTICE

4202 Control of Communicable and Other Disease Conditions

Pursuant to 16 **Del.C.** §122(3)(a) and 505, the Department of Health and Social Services, Division of Public Health, Family Health Systems and Management Section, is proposing revisions to the regulation governing the control of communicable and other disease conditions ([16 DE Admin. Code 4202](#)).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include revision to the guidelines for vaccine preventable diseases, revision to the guidelines for notification of

emergency medical care providers of exposure to communicable diseases, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

Copies of the proposed regulation are available for review in the February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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/february2026/proposed/29 DE Reg 674aRFA 02-01-26.pdf](https://regulations.delaware.gov/register/february2026/proposed/29%20DE%20Reg%20674aRFA%2002-01-26.pdf)

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

[https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 674a 02-01-26](https://regulations.delaware.gov/register/february2026/proposed/29%20DE%20Reg%20674a%2002-01-26)

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)u.1. (16 **Del.C.** §122(3)u.1.)
16 **DE Admin. Code** 4458A

PROPOSED

PUBLIC NOTICE

4458A Cottage Food Regulations

Pursuant to 16 **Del.C.** §§122(3)u.1., the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the Regulations Governing Cottage Food Regulations (16 **DE Admin. Code** 4458A).

Changes include revisions to guidelines for permits and other technical edits 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 February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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/february2026/proposed/29 DE Reg 675RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 675 02-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section §122(3)(t) and 16 Delaware Code, Chapter 30M
(16 Del.C. §122(3)(t) & 16 Del.C. Ch. 30M)

PROPOSED**PUBLIC NOTICE****4459C Lead-Based Paints on Outdoor Structures**

Pursuant to 16 Del.C. §122(3)(t) & 16 Del.C. Ch. 30M, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing a new regulation governing the use of lead-based paints on outdoor structures.

This regulation, pursuant to 81 Del. Laws, c. 396, excludes consumer products and paints regulated under 16 CFR 1303 "Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint", establishes standards for the regulation of lead-based paint use on outdoor structures, and establishes procedures for enforcement.

Copies of the proposed regulation are available for review in the February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on Monday, May 4, 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/february2026/proposed/29 DE Reg 676RFA 02-01-26.pdf>

4459C Lead-Based Paints on Outdoor Structures**1.0 General Provisions**

- 1.1 Preamble. This regulation is adopted by the Secretary of Delaware Health and Social Services pursuant to the authority invested in the Secretary by 16 Del.C. §122(3)(t). This regulation, which excludes consumer products and paints regulated under 16 CFR 1303 "Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint", establishes standards for the regulation of lead-based paint use on outdoor structures and establishes procedures for enforcement.
- 1.2 Authority. This regulation is promulgated pursuant to 81 Del. Laws, c. 396 and 16 Del.C. Ch. 30M.
- 1.3 Purpose. This regulation shall be construed and applied to promote its purpose of protecting the public health by banning the use of lead paints on outdoor structures in Delaware.

- 1.4 Severability. If any provision or application of any provision of this regulation is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

2.0 Definitions

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

“Lead paint” means paint containing lead or lead compounds and in which the lead is in excess of 90 parts per million (ppm) by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

“Non-lead paint” means paint containing lead or lead compounds and in which the lead is less than 90 parts per million (ppm) by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

“Outdoor structure” means any man-made permanent or semi-permanent structure or assemblage of parts, of which some or all of the surface is exposed to rain, snow, sunlight, humidity, or other outdoor forces of nature. Outdoor structures include bridges, water towers, pipes, playground equipment, highways, parking lots, guard rails, and poles or towers used in the transmission of telephone, internet, or electric power.

“Paint” means varnishes, lacquers, enamels, glazes, primers, or other surface-coating materials used for any purpose; and is typically a mixture of resins, pigments, fillers, solvents, and other additives that constitute a finished product.

“Person” means an individual, partnership, corporation, association, non-profit, or governmental entity.

3.0 Standards

- 3.1 A person who is procuring paint for application to an outdoor structure or applying a paint to an outdoor structure shall be responsible to ensure that the paint does not meet the definition of a lead paint. The determination of a lead paint will be based on either the paint manufacturer’s documentation, such as a Safety Data Sheet or product specification, or through laboratory analysis of the paint.
- 3.2 If a non-lead paint application is used to cover a lead paint on an outdoor structure, the structure owner or person applying the paint shall determine an appropriate inspection and maintenance schedule to ensure that the lead paint is not exposed to weathering or deterioration.

4.0 Compliance

- 4.1 For the purpose of demonstrating compliance with this regulation, the owner of the outdoor structure shall keep records, either printed or electronic, demonstrating that paints used on outdoor structures are non-lead paints. The records shall be retained for a minimum of 10 years.
- 4.2 In the event that paint records are not available, compliance shall be shown by laboratory analysis of a paint sample obtained from the outdoor structure.

5.0 Penalties and Enforcement

- 5.1 Pursuant to 16 Del.C. §3003M, the use by any person of lead paints on outdoor structures, whether applied to new outdoor structures or already existing outdoor structures, shall be prohibited.
- 5.2 Pursuant to 16 Del.C. §3004M, the Secretary of the Department of Health and Social Services, the Director of the Delaware Division of Public Health, or the Director’s designee, shall enforce this regulation. Whoever violates this or any rule or regulation duly promulgated thereunder, shall be punishable by an administrative penalty imposed of not more than \$10,000.00 per day for each completed violation. Each day of continued violation shall be considered as a separate violation.
- 5.3 At its discretion, the State of Delaware may request copies of the compliance documentation for paints applied to an outdoor structure. The documentation must be received within 30 days of the date of request. If documentation is not available such that laboratory sampling and analysis must be performed, the documentation must be received within 90 days of the date of request.
- 5.4 If it is shown that a lead paint was applied after enactment of this regulation, or a determination of compliance cannot be made, the owner of the structure will be required to either repaint the structure with a non-lead paint, abate the lead hazard through paint removal, or remove or replace the outdoor structure. All actions taken shall be approved by the State of Delaware prior to commencement and shall be performed according to all applicable federal, state, and local laws, regulations, and codes.
- 5.5 If a complaint is received by the Delaware Division of Public Health that asserts a lead paint is being applied to an outdoor structure subject to this regulation, the State of Delaware may take action to ensure that the paint complies with this regulation. The complaint should include:
- 5.5.1 The structure type;
- 5.5.2 The structure location; and
- 5.5.3 The identity of the structure’s owner and person applying the paint.

6.0 Effective Date

81 Del. Laws, c. 396 was signed into law on August 29, 2018. The prohibition in this statute for any new use or application of lead-based paints, pigments, and coatings became effective January 1, 2020. The prohibition in this statute for any use or application of lead-based paints, pigments, and coatings that occurred prior to January 1, 2020 became effective on January 1, 2024.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF WASTE AND HAZARDOUS SUBSTANCES**

Statutory Authority: 7 Delaware Code, Section 6028 (7 Del.C. §6028)

7 DE Admin. Code 1203

PROPOSED**PUBLIC NOTICE****1203 Reporting of a Discharge of a Pollutant or Air Contaminant**

SAN # 2024-17

Docket # 2024-R-WHS-0021

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Division of Waste and Hazardous Substances is proposing to amend regulatory requirements for reporting the discharge of a pollutant or an air contaminant as mandated in [7 Del.C. §6028](#). The table identifying reportable quantities published under this regulation is static and has not been updated since 2004 and may not reflect changes made at the federal level. Departmental review of Delaware specific chemicals and their reportable quantities is appropriate to account for any regulatory or programmatic changes within the Department.

POSSIBLE TERMS OF THE AGENCY ACTION:

None.

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:[7 Del.C. §6028\(b\)](#)**OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:**

None.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2024-R-WHS-0021) will be held on Wednesday, February 25, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: 189549. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter Meeting ID 825 6315 5596. 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 February 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Eileen Butler by phone at 302-395-2500 or through email at Eileen.Butler@delaware.gov.

The Department will accept public comment through the close of business on Thursday, March 12, 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/february2026/proposed/29 DE Reg 678RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 678 02-01-26>

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Charitable Gaming**

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

PROPOSED

PUBLIC NOTICE

101 Regulations Governing Bingo

The Delaware Board of Charitable Gaming, pursuant to 28 Del.C. §1508(a)(2), proposes to amend its regulations to fix technical or style errors, correct internal inconsistencies, and ensure that the regulation conforms to the statute and Division of Professional Regulation procedures. Specifically, the Board proposes to amend Section 6.0 to further clarify that after even reports must be filed electronically and Section 7.0 to render the regulation consistent with the Board's enabling statute pertaining to licensee discipline.

The Board will hold a public hearing on February 25, 2026, at 10:00 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 Jamie Johnson, Administrator of the Delaware Board of Charitable Gaming, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until March 12, 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/february2026/proposed/29 DE Reg 679RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 679 02-01-26>

PROPOSED REGULATIONS

DIVISION OF PROFESSIONAL REGULATION Board of Charitable Gaming

Statutory Authority: 28 Delaware Code, Section 1508(a)(2) (28 Del.C. §1508(a)(2))
10 DE Admin. Code 102

PROPOSED

PUBLIC NOTICE

102 Regulations Governing Raffles

The Delaware Board of Charitable Gaming, pursuant to 28 Del.C. §1508(a)(2), proposes to amend its regulations to fix technical or style errors and ensure that the regulation conforms to the statute and Division of Professional Regulation procedures. Specifically, the Board proposes to amend Section 7.0 to further clarify that after even reports must be filed electronically and Section 8.0 to render the regulation consistent with the Board's enabling statute pertaining to licensee discipline.

The Board will hold a public hearing on February 25, 2026, at 10:00 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 Jamie Johnson, Administrator of the Delaware Board of Charitable Gaming, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until March 12, 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/february2026/proposed/29 DE Reg 680RFA 02-01-26.pdf>

102 Regulations Governing Raffles

~~These regulations shall apply to any raffle conducted under Title 28 of the Delaware Code in which the value of the prize or prizes to be awarded is \$5,000 or more or in which the ticket price is more than \$5.00 for a single drawing for prizes, or more than \$15.00 for a series of drawings for prizes occurring on a periodic schedule exceeding one month. These regulations are issued pursuant to the authority granted the Delaware Gaming Control Board in Title 28 of the Delaware Code.~~

1.0 Authority, Purpose, and Definitions

~~This regulation shall apply to any raffle conducted under Title 28 of the Delaware Code in which the value of the prize or prizes to be awarded is \$5,000 or more or in which the ticket price is more than \$5 for a single drawing for prizes, or more than \$15 for a series of drawings for prizes occurring on a periodic schedule exceeding one month. These regulations are issued pursuant to the authority granted the Delaware Gaming Control Board in Title 28 of the Delaware Code, and the following definitions will apply:~~

~~“Board” The means the Delaware Gaming Control Board of Charitable Gaming.~~

~~“Prize” Any means any item or items chosen by a Sponsoring Organizationsponsoring organization as the subject of a raffle, which the organization announces it will award to a person selected by chance from among those purchasing tickets to the raffle.~~

~~“Qualified Member” For member” means for the purposes of eligibility to participate in managing or otherwise assisting in the operation of raffle, a person is a bona fide member of the licensed organization only when he or she the person:~~

~~Has become a member prior to the commencement of the function and such membership was not dependent upon, or in any way related to the payment or consideration to participate in, any gambling activity; and~~

~~Has held full and regular membership status in the licensed organization for a period of not less than three (3) consecutive months prior to the subject function; and~~

~~Has paid any reasonable initiation or admission fees for membership, and/or any dues, consistent with the nature and purpose of the licensed organization and with the type of membership obtained and is not in arrears in payment of any such fees or dues; and~~

Has met all other conditions required by the licensed organization for membership and is in all respects a member in good standing at the time of the subject function; and

Is a bona fide member of a bona fide charitable or bona fide nonprofit organization affiliated with or auxiliary to ~~his or her~~the sponsoring organization, or to which ~~his or her own~~the person's organization is auxiliary, when ~~he or she~~the person meets all of the standards set out above respecting ~~his or her own~~the person's organization.

"Raffle" A ~~means a~~ form of lottery in which a number of persons buy one or more chances attempting to win the same prize. Any game such as those called "Nevada cards" or "pull cards" where the amount of the prize is determined by the contents of the ticket purchased are not raffles.

~~An organization may conduct a raffle which will not be completed in one night. An organization may sell a chance good for an extended period of time with a series of drawings, with a chance to win a prize multiple times during that period, and chances may be purchased throughout the period of the raffle. The payment of a single fee with the application shall be sufficient for the entire six month period. However, any such raffle must first be approved by the Board.~~

~~No one under the age of 18 shall be permitted to participate in a raffle.~~

"Related Party" ~~Includes~~**party** means:

An officer, director, or trustee (or an individual having powers or responsibilities similar to those of officers, directors, or trustees) of the ~~organization.~~organization;

A spouse other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance; a child including legally adopted children; grandchildren; parents; and grandparents of ~~parties described in (a) above.~~an officer, director, or trustee; or

A corporation, trust, estate or partnership more than 35% of which is owned or held by any of the preceding.

"Sponsoring Organization" ~~Any~~means any veterans, religious, or charitable organization, volunteer fire company or fraternal society as defined in Article II, §17A or §17B of the State Constitution.

2.0 Disclosure

2.1 In any raffle conducted pursuant to Title 28 of the **Delaware Code**, the sponsoring organization must disclose the following information on the raffle ticket itself:

2.1.1 ~~A full and fair~~An accurate description of the prize;

2.1.2 The appraised value of the prize;

2.1.3 If there is a minimum number of tickets to be sold, what the minimum is and the procedure to be employed to secure a refund in the event the minimum is not reached;

2.1.4 The drawing date for the raffle; and

2.1.5 The exact nature of the charitable purpose for which the proceeds will be used.

2.2 The charitable organization is responsible for the handling of all monies, ~~bookkeeping~~bookkeeping, and receipts in a raffle. The Board will not approve on-line raffles or raffles involving third party ~~payers, such as PayPal or similar entities.~~payers.

3.0 Obligations of the Sponsoring Organization

3.1 If for any reason the raffle is not completed and a prize is not awarded on the scheduled drawing date, the sponsoring organization must take all steps necessary to notify ticket purchasers of that fact and return all money received from ticket purchasers within ~~thirty~~30 days.

3.2 Members, ~~employees~~employees, and their immediate family members may purchase raffle tickets, but may not sell raffle tickets to members of their immediate family. The sale of tickets alone shall not constitute the promotion and operation of a raffle for purposes of this section. Nothing in this section prohibits the award of a prize to a person for selling a winning ticket.

3.3 The sponsoring organization shall take such steps as are necessary under the circumstances to ~~insure~~ensure that each ticket purchaser has a chance to be selected as the prize winner and that prize winner is selected in an entirely random manner.

3.4 In cases where the sponsoring organization purchases the prize from a third party, the Board may require that the sponsoring organization arrange for an independent appraisal of the value of the prize from a person licensed to render such appraisals, or if there is no applicable licensing requirement, from a person qualified to render such appraisals.

3.5 If the sponsoring organization purchases a prize from a related party, the price to be paid must be at cost or substantially less than the appraised value of the prize.

- 3.6 No sponsoring organization or its employees, members, ~~agents or servants~~, agents or servants shall give away tickets to a raffle without receiving the full established price for ~~them~~ the tickets unless all members of the public have an equal chance to receive bonus chances or books of chances when buying a certain number of chances or books of chances.
- 3.7 The sponsoring organization shall structure the raffle in such a way that it may reasonably ~~be~~ be anticipated that the sponsoring organization will retain a percentage of the gross proceeds which is reasonable under the circumstances and shall retain all of the net proceeds (gross proceeds minus the direct expenses of the raffle) for the purpose specified in their application under Title 28 of the **Delaware Code**.
- 3.8 A raffle may not offer a house or other real property as a prize.
- 3.9 No tickets for a raffle may be sold prior to the charitable organization receiving the permission of the Board to conduct the raffle through a permit or license.

4.0 Record Keeping, Financial Control

- 4.1 A record keeper shall be designated from among the members of the organization as defined in ~~4.0~~ Section 1.0, ~~“Qualified Member”~~ “qualified member” and shall have been a member for a minimum of ~~two~~ two (~~2~~) 2 years prior to the commencement of the raffle. The record keeper or ~~his~~ the record keeper's designee shall be responsible for the keeping and distribution of raffle tickets to be sold, the safekeeping of paid-for and completed ticket stubs, and the maintenance of the records prescribed by ~~this section~~ Section 4.0 during and after the completion or suspension of the raffle for a period of at least ~~two~~ 2 years.
- 4.2 The raffle ticket shall have at least ~~two~~ 2 parts, ~~one~~ 1 of which is to be retained by the purchaser, and the other to be retained by the record keeper. The record keeper's part must at a minimum contain the purchaser's name, address, and telephone number. All ~~such~~ parts shall be imprinted with sequential serial numbers commencing with the numeral "1" through the maximum number of tickets to be sold.
- 4.3 The record keeper shall maintain and periodically update as the need arises, the following types of records:
- 4.3.1 ~~all~~ All documents, bills of sale, agreements, ~~appraisals~~ appraisals, or other documents concerning the purchase of the article or articles to be raffled;
- 4.3.2 ~~all~~ All permits, licenses, and any other documents prescribed or required by law as necessary for the lawful conduct of a raffle;
- 4.3.3 ~~a~~ A list or access to a list of all persons authorized to sell raffle tickets or participating in any way in the promotion or operation of the raffle. If raffle tickets are given to one person to sell and this person recruits other persons to help sell raffle tickets, the record keeper need only keep a list of those persons to whom the record keeper has directly distributed raffle ~~tickets~~ tickets;
- 4.3.4 ~~a~~ A ledger book or other suitable record keeping device listing the number of tickets distributed, and the number of tickets returned as ~~sold~~ sold; and
- 4.3.5 ~~the~~ The ticket stubs used to conduct the drawing for a period of not less than six months.
- 4.4 Financial records shall be maintained by the record keeper sufficient to show:
- 4.4.1 ~~the~~ The current amount of proceeds received on account of the raffle; and
- 4.4.2 ~~all~~ All expenses related to the conduct of the raffle including printing costs, advertising costs, lawyers fees, appraisal costs, insurance premiums, and any other costs reasonably attributable to the raffle.

5.0 Violations of Regulations Regulation

Failure to comply with any of the ~~Regulations~~ this regulation shall subject the violator to suspension or revocation of any valid license issued under Title 28 of the **Delaware Code** and criminal prosecution.

6.0 Application

- 6.1 All applications for a license to conduct a raffle shall be submitted on a form approved by the Board. The information supplied must include the name, address, and phone number of the sponsoring organization, the prize to be awarded, the value of the prize, ~~the maximum number of tickets to be sold~~, the cost of each raffle ticket, the date the prize will be awarded, the exact nature of the charitable purpose for which the proceeds will be used, and the name, ~~address~~ address, and phone number of the person in charge of the organization, and the person designated to be the record keeper for the raffle.
- ~~6.1.1~~ An application must be submitted sufficiently in advance of the proposed date of the function as to allow the Board to consider the application at two consecutive board meetings before deciding to approve or deny the application.
- 6.2 There shall be a license fee of \$15 for each raffle application submitted to the Board for approval.
- 6.3 The Board or Board's designee shall ~~make an investigation of~~ investigate the qualifications of each applicant and the merits of each application. The Board shall consider the impact, if any, of the approval of a new

raffle license application on existing licensees within the applicant's geographical location prior to granting the approval, and may deny the application if it concludes that approval of the application would be detrimental to existing licensees.

- 6.4 The Board may issue a license only after it determines that:
 - 6.4.1 The applicant is duly qualified to conduct raffles under the State Constitution, statutes, and rules and regulations governing raffles; and
 - 6.4.2 The member or members of the applicant who intend to conduct the games are bona fide active members of the applicant and are persons of good moral character and have never been convicted of crimes involving moral turpitude; and
 - 6.4.3 The proceeds are to be disposed of as provided in the State Constitution and statutes; and
 - 6.4.4 No salary, ~~compensation-compensation,~~ or reward whatever will be paid or given to any member under ~~whom the game is conducted~~of the applicant.
- 6.5 No raffle license application shall be effective for a period of more than ~~one~~1 year from the date it was issued.
- 6.6 No raffle license shall be effective after the organization to which it was granted has become ineligible to conduct the game under any provision of Article II, §17A or §17B of the State Constitution.
- 6.7 An organization may conduct a raffle which will not be completed in 1 night. An organization may sell a chance good for an extended period of time with a series of drawings, with a chance to win a prize multiple times during that period, and chances may be purchased throughout the period of the raffle. The payment of a single fee with the application shall be sufficient for the entire 6 month period. However, any raffle conducted under this subsection must first be approved by the Board.

7.0 Reports After the Drawing

- ~~Within thirty (30) days of the date for awarding the prize as specified in the license application, the record keeper shall furnish in writing to the Board, the name and address of each person to whom a prize was awarded, the gross receipts derived from the selling of raffle tickets, and the total expenses incurred for the raffle.~~
- 7.1 When no game is held on a date a licensee is authorized to hold a scheduled game, a report to that effect shall be electronically filed with the Board.
- 7.2 Within 30 days of the last day of the function, the member-in-charge shall submit the electronic report to the Board including all information required by Title 28 of the **Delaware Code**.
- 7.3 If a licensee fails to timely file a report, or if a report is not properly verified, or fully, accurately, and truthfully completed, or submitted electronically, no further license shall be issued to the licensee and any existing license shall be suspended until the deficiency has been corrected.

8.0 Suspension & Revocation of Licenses

- ~~8.1 Proceedings to suspend or to revoke a license shall be brought by notifying the licensee of the ground thereof and the date set forth for hearing thereon. The Board may stop the operation of a raffle pending a hearing, in which case the hearing must be held within five (5) days after such action.~~
- ~~8.2 The Board shall cause the notice of hearing to be served personally on an officer of the licensee or the member in charge of the conduct of the raffle or to be sent by registered or certified mail to the licensee at the address shown in the license. All hearing procedures shall be subject to the requirements of the Administrative Procedures Act, 29 Del.C. §10131.~~
- ~~8.3 When suspension or revocation proceedings are begun before the Board, it shall hear the matter and make written findings in support of its decision. The licensee shall be informed of the decision, and of the effective date of the suspension or revocation.~~
- ~~8.4 When a license is suspended or revoked, the licensee shall surrender up the license to the Board on or before that effective date set forth in the notice of the decision. In no case shall any license be valid beyond the effective date of suspension or revocation, whether surrendered or not.~~
- ~~8.5 Upon finding of the violation of these rules and regulations or the Delaware statutes, such as would warrant the suspension or revocation of a license, the Board may in addition to any other penalties imposed, declare the violator ineligible to conduct a raffle and to apply for a license under said law for a period not exceeding thirty (30) months thereafter. Such declaration of the ineligibility may be extended to include, in addition to the violator, any of its subsidiary organizations, its parent organization and any other organization having a common parent organization or otherwise affiliated with the violator, when in the opinion of the Board, the circumstances of the violation warrant such action.~~
- 8.1 The Board may impose the following discipline after a hearing for violations of the Code or this regulation:

PROPOSED REGULATIONS

- 8.1.1 Suspension or revocation of a license. The Board may stop the operation of a game pending a hearing, in which case the hearing must be held within 5 days of the suspension or revocation;
- 8.1.2 A monetary fine upon a licensee of not more than \$1,000 per violation;
- 8.1.3 A monetary fine upon a third-party or charitable gaming vendor of not more than \$5,000 per violation;
- 8.1.4 Temporary or permanent enjoinder of a third-party or charitable gaming vendor from contracting with or participating with an organization in regard to charitable gambling; or
- 8.1.5 A fine upon a person or entity holding a gaming event without the proper license or permit of not more than \$1,000 per violation.
- 8.2 Following a hearing, the Board shall issue a written decision reflecting its decision.

9.0 Severability

~~If any provision of these Regulations or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of these Regulations and the applicability of such provision to other persons or circumstances shall not be affected thereby.~~

DIVISION OF PROFESSIONAL REGULATION Board of Electrical Examiners

Statutory Authority: 24 Delaware Code, Section 1406(a)(1) (14 Del.C. §1406(a)(1))
24 DE Admin. Code 1400

PROPOSED

PUBLIC NOTICE

1400 Board of Electrical Examiners

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

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

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

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

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

On August 1, 2025, proposed revisions to the regulation were published in the Delaware *Register of Regulations*, Volume 29, Issue 2. A public hearing was scheduled for September 3, 2025, but it was canceled due to lack of quorum. The Board hereby withdraws the proposed regulation published on August 1, 2025, and submits the proposed regulation attached as Exhibit A.

The Board will hold a public hearing on March 4, 2026, at 8:30 a.m. in conference room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Electrical Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at jazmine.peebles@delaware.gov.

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be March 19, 2026. The Board will deliberate on all the public comments at its regularly scheduled meeting thereafter.

***Please Note:**

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 684RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 684 02-01-26>

**DIVISION OF PROFESSIONAL REGULATION
Real Estate Commission**

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

PROPOSED

PUBLIC NOTICE

2900 Real Estate Commission

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

Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 3, 2026, pursuant to 29 Del.C. § 10118(a).

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 685RFA 02-01-26.pdf>

2900 Real Estate Commission

(Break in Continuity of Sections)

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

14.1 Continuing Education (CE) Requirements

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

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

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

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

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

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

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

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

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

14.1.2 Continuing education requirements for licensees

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

14.1.2.1.1 Module 1: Fair housing

PROPOSED REGULATIONS

- 14.1.2.1.2 Module 2: Professional standards
- 14.1.2.1.3 Module 3: Real estate documents
- 14.1.2.1.4 Module 4: Risk management
- 14.1.2.1.5 Module 5: Agency and license law
- 14.1.2.1.6 Module 6: Legislative updates and contemporary issues
- 14.1.2.1.7 Module 7: Practices of real estate elective courses
- 14.1.2.1.8 Module 8: Broker supervisory course (for brokers and designated office supervisors)
- 14.1.2.2 During the biennial renewal period, all licensed brokers must complete 24 acceptable CE hours in Modules 1-8.
- 14.1.2.3 During the biennial renewal period, all licensed associate brokers must complete 21 acceptable CE hours in Modules 1-7.
- 14.1.2.4 During the biennial renewal period, all licensed salespersons must complete 21 acceptable CE hours in Modules 1-7.
- 14.1.2.5 During the biennial renewal period, any licensed associate broker who is a designated office supervisor must complete 24 acceptable CE hours in Modules 1-3 and 5-8.
- 14.1.3 Courses approved for Modules 1 – 6 automatically qualify for credit for Module 7. Students are not required to submit a separate application for Module 7 approval for courses in Modules 1 – 6. This subsection does not apply to out-of-state courses.
- 14.2 Proration. CE hours shall be prorated in accordance with the following schedule:
- 14.2.1 No continuing education is required for fewer than ~~six~~6 months of licensure, except that new licensees must meet the requirements set forth in subsection 14.13.
- 14.2.2 Six (~~6~~) hours of continuing education are required after at least ~~six~~6 months but less than ~~twelve~~12 months of licensure. The required ~~six~~6 hours shall consist of ~~two~~2 different modules, as set forth in subsection 14.1.2.
- 14.2.3 Twelve (~~12~~) hours of continuing education are required after at least ~~twelve~~12 months but less than ~~eighteen~~18 months of licensure. The required ~~twelve~~12 hours shall consist of ~~four~~4 different modules, as set forth in subsection 14.1.2.
- 14.2.4 Eighteen (~~18~~) hours of continuing education are required after at least ~~eighteen~~18 months but less than ~~twenty-four~~24 months of licensure. The required ~~eighteen~~18 hours shall consist of ~~six~~6 different modules, as set forth in subsection 14.1.2.
- 14.2.5 Twenty-one (~~21~~) hours of continuing education are required after ~~twenty-four~~24 months of licensure, as set forth in subsection 14.1.2.
- 14.3 For persons who have successfully completed either the broker or salesperson pre-licensing course but who have not yet made application:
- 14.3.1 ~~Twelve~~ (~~12~~)12 hours of continuing education are required more than ~~twelve~~12 months but less than ~~eighteen~~18 months after course completion. The required ~~twelve~~12 hours shall consist of ~~four~~4 different modules, as set forth in Rule 14.1.2.
- 14.3.2 ~~Twenty-one~~ (~~21~~)21 hours of continuing education are required more than ~~eighteen~~18 months but less than ~~twenty-four~~24 months after course completion, in compliance with the requirements of subsection 14.1.2.
- 14.3.3 For more than ~~twenty-four~~24 months after course completion, ~~twenty-one~~ (~~21~~)21 hours of CE are required for each biennial renewal period, in compliance with the requirements of subsection 14.1.2.
- 14.4 At the time of renewal, the Licensee shall attest to completion of the required CE. Attestation shall be completed electronically.
- 14.5 The Licensee's attestation as to completion of CE does not relieve the Broker of the Broker's duty to ensure that the Licensee has completed the required CE during the licensure renewal period. Each Broker shall maintain copies of CE certificates for the Broker's Salespersons and Associate Brokers for at least ~~three~~3 years after the conclusion of each renewal period.
- 14.6 Audits
- 14.6.1 Licensees selected for random audit are required to supplement the attestation with attendance verification as provided in subsection 14.6.5.
- 14.6.2 Random audits shall be performed by the Commission to ensure compliance with the CE requirements.
- 14.6.3 The Commission shall notify Licensees within ~~sixty~~ (~~60~~)60 days after May 31 of each biennial renewal period that they have been selected for audit.
- 14.6.4 Licensees selected for random audit shall be required to submit verification within ~~twenty~~ (~~20~~)20 business days of receipt of notification of selection for audit. Audit notices sent to Salespeople and Associate Broker licensees shall also be sent to that licensee's current Broker, where applicable.

- 14.6.5 Verification shall include the continuing education log, co-signed by the Licensee's broker, where applicable, and such information necessary for the Commission to assess whether the course meets the CE requirements in Section 14.0. While course brochures may be used to verify CE hours, they are not considered to be acceptable proof for use of verification of course attendance. Verification shall include the official certificate of completion, as provided by the course provider.
- 14.6.6 The Commission shall review all documentation submitted by Licensees pursuant to the continuing education audit. If the Commission determines that the Licensee has met the continuing education requirements, the Licensee's license shall remain in effect. If the Commission determines that the Licensee has not met the continuing education requirements, the Licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying noncompliance with the continuing education requirements. Unjustified noncompliance with the continuing education requirements set forth in ~~these Rules and Regulations~~ this regulation shall constitute a violation of [24 Del.C. §2912\(a\)\(9\)](#).
- 14.6.7 Sanctions for Unjustified Noncompliance. The minimum penalty for the first finding of unjustified noncompliance shall be a \$250.00 monetary penalty, and any of the additional penalties specified in [24 Del.C. §2914](#). The minimum penalty for the second finding of unjustified noncompliance shall be a \$1,000 monetary penalty, and any of the additional penalties specified in [24 Del.C. §2914](#).
- 14.6.8 Licensees who renew their licenses under the late renewal provision shall be audited for CE completion. These Licensees shall submit documents that evidence satisfactory completion of their CE requirements for the prior licensure period.
- 14.7 All CE activities shall be pre-approved by the Commission, pursuant to the Commission's Real Estate Education Guidelines.
- 14.8 The Commission may waive or postpone all or part of the continuing education requirements of these Rules and Regulations if a Licensee submits a written request for a waiver and provides evidence to the satisfaction of the Commission of an illness, injury, financial hardship, family hardship, or other similar extenuating circumstance which precluded the Licensee's completion of the requirements. Application for waiver or postponement shall be made in writing to the Commission and shall be received by the Commission no later than 60 days prior to the biennial license renewal date.
- 14.9 The Commission shall appoint an Education Committee to assist in the Commission's educational objectives.
- 14.10 Members of the Real Estate Commission who attend at least ~~eighty percent (80%)~~ 80% of Commission meetings during a biennial licensure period may receive ~~one~~ 1 hour of CE for each Commission meeting attended and said hour may be applied to any CE required for licensure renewal.
- 14.11 Completion of broker's licensing course.
 - 14.11.1 Delaware broker's licensing course: Upon successful completion of an approved Delaware broker's licensing course, a licensee shall receive ~~24~~ 24 hours of continuing education credit. These ~~24~~ 24 hours shall satisfy the continuing education requirements (Modules ~~4—7~~ 1 - 8) for the biennial licensing period in which the course was completed. The course provider shall provide the licensee with a certificate stating that Modules ~~4—7~~ 1 - 8 have been satisfied upon successful completion of the broker's licensing course.
 - 14.11.2 Out-of-state broker's licensing course: Upon successful completion of a broker's licensing course in a state outside of Delaware, consisting of at least 99 hours of education, a licensee shall receive 18 hours of continuing education credit, satisfying ~~Modules 1—4 and 6—7~~ Modules 1 - 5 and 7 for the biennial licensing period in which the course was completed.
- 14.12 Advanced Courses
 - 14.12.1 Licensees successfully completing a minimum of ~~6~~ 3 hours of a National Accreditation Program during a licensure renewal period and receiving a nationally recognized designation or providing proof of successfully completing a section towards a nationally recognized designation may submit ~~six (6)~~ a minimum of 3 credit hours to satisfy ~~Modules 6 and 7~~. The instructor shall be considered an approved instructor.
 - 14.12.2 A Licensee may submit for review and approval a request for up to 3 continuing education credits for advanced courses, such as, but not limited to, college courses and certifications by the National Association of Realtors. Such credits may satisfy Modules 6 or 7.
 - 14.12.3 After a minimum of 3 renewal cycles, a Licensee may submit for review and approval a request for up to 18 continuing education credits for advanced courses, such as, but not limited to, college courses and certifications by the National Association of Realtors. Such credits may satisfy any continuing education module, other than Module 5.

PROPOSED REGULATIONS

14.13 New Licensees.

14.13.1 ~~Effective the renewal period beginning May 1, 2022, in addition to meeting the continuing education requirements set forth in Section 14.0, all~~ newly licensed individuals, other than individuals licensed by reciprocity, shall also complete the following ~~twelve~~12 hours of continuing education, specifically for new licensees, no later than 90 days after the date of issuance of the individual's license:

14.13.1.1 ~~Three (3) hours in professional standards for new licensees.~~

14.13.1.2 ~~Three (3) hours in agreement of sale and buyer representation for new licensees.~~

14.13.1.3 ~~Three (3) hours in real estate documents and seller representation for new licensees.~~

14.13.1.4 ~~Three (3) hours in real estate professionalism for new licensees.~~

14.13.1.1 Module A: Professional standards in real estate (3 hours)

14.13.1.2 Module B: Agreement of sale, buyer representation (3 hours)

14.13.1.3 Module C: Real estate documents (3 hours)

14.13.1.4 Module D: Real estate professionalism (3 hours)

14.13.2 The ~~twelve~~12 hours of required continuing education for new licensees shall be in addition to the continuing education required for licensure renewal and shall be included in the biennial continuing education audit referenced in subsection 14.6.

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 685 02-01-26>

DIVISION OF PROFESSIONAL REGULATION

Real Estate Commission

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

PROPOSED

PUBLIC NOTICE

2925 Real Estate Commission Education Committee

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

Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 3, 2026, pursuant to 29 Del.C. § 10118(a).

***Please Note:**

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 688RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 688 02-01-26>

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code Section 209(a) (26 Del.C. §209(a))
26 DE Admin. Code 3001

PROPOSED

PUBLIC NOTICE

3001 Rules for Certification and Regulation of Electric Suppliers

PSC REGULATION DOCKET NO. 3001

Opened: April 27, 1999

Reopened: April 2, 2025 (PSC Order No. 10678)

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission (“Commission” or “PSC”) pursuant to 26 Del.C. §209(a) proposes to revise the *Rules for Certification and Regulation of Electric Suppliers* codified at 26 DE Admin. Code 3001 (the “Regulation”) to better protect consumers and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

The Registrar published proposed amendments to the Regulation in the October 2025 edition of the *Delaware Register of Regulations*. After reviewing public comments, the Commission made substantive changes to the proposed amendments and must now republish the proposed amendments to the Regulation and hold another public comment period and public hearing.

You can review the proposed Regulation in the February 2026 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. 3001”). 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. 3001.”

The Commission will hold a public hearing on the proposed regulation on March 11, 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 March 11, 2026 hearing, written comments must be submitted on or before March 4, 2026. Pursuant to 29 Del.C. §10118(a), written comments will be accepted after the hearing until March 26, 2026.

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

***Please Note:**

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 689RFA 02-01-26.pdf>

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

<https://regulations.delaware.gov/register/february2026/proposed/29 DE Reg 689 02-01-26>

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF AGRICULTURE**THOROUGHBRED RACING COMMISSION**

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

FINAL**ORDER****1001 Thoroughbred Racing Commission****NATURE OF THE PROCEEDINGS**

Pursuant to its authority under 3 **Del. C.** §10103(c), the Delaware Thoroughbred Racing Commission sought to amend subsections 10.2, 11.11, 17.4, 19.2, 19.3, 19.4, and 19.5. The changes also include minor technical corrections to Sections 10, 17, and 19. The changes to subsection 10.2 clarify 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 change to subsection 11.11 deletes the subsection in its entirety and subsequent Sections are renumbered accordingly. The 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 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, 11, 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.

Notice of a public comment period of at least thirty (30) days on the Delaware Thoroughbred Racing Commission's proposed amended regulations was published in the Delaware *Register of Regulations* for December 1, 2025 in accordance with 29 **Del. C.** §10118(a). This is the Delaware Thoroughbred Racing Commission's Decision and Order adopting the proposed amended regulations.

FINDINGS AND CONCLUSIONS

1. The public was given the required notice of the Delaware Thoroughbred Racing Commission's intention to adopt the proposed amended regulation and was given ample opportunity to provide the Delaware Thoroughbred Racing Commission with comments opposing the Delaware Thoroughbred Racing Commission's plan.
2. There were no public comments provided to the Delaware Thoroughbred Racing Commission during the written public comment period.
3. Pursuant to **3 Del.C. §10103(c)** and **3 DE Admin. Code 1001**, the Delaware Thoroughbred Racing Commission has authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. Thus, the Delaware Thoroughbred Racing Commission concludes that its consideration of the proposed amended regulation was entirely within its statutory authority and, having received no comments opposed to adoption, is now free to adopt the proposed amended regulation.
5. The Delaware Thoroughbred Racing Commission has reviewed the regulation and has determined that, if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

DECISION AND ORDER CONCERNING THE REGULATIONS

AND NOW on this 6th day of January 2026, it is hereby ordered that:

1. The proposed amendments to the Delaware Thoroughbred Racing Commission's regulations are adopted;
2. The text of the final regulations shall be in the form attached hereto as Exhibit A, which remain unchanged as initially published in the December 1, 2025 *Delaware Register of Regulations*;
3. The effective date of this Order is ten days from the date of its publication in the *Delaware Register of Regulations* in accordance with **29 Del. C. §10118(e)**; and
4. The Delaware Thoroughbred Racing Commission reserved to itself the authority to issue such other and further orders concerning its regulations as it deems appropriate.

Delaware Thoroughbred Racing Commission

/s/ W. Duncan Patterson, Chairman
Richard A. Levine, Esq. Commissioner (absent)

/s/ Richard W. Monkman, Commissioner
/s/ Andrew C. Slater, Commissioner

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

***Please note that no changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 458 (29 DE Reg. 458). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 690 02-01-26>

FINAL REGULATIONS

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 Del.C. §122)
14 DE Admin. Code 282

FINAL

ORDER

282 Private Business and Trade Schools

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §122, the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 282](#) Private Business and Trade Schools. The Department made clarifying language 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 December 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

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

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

III. Findings of Facts

The Department finds that minimal amendments to [14 DE Admin. Code 282](#) Private Business and Trade Schools are necessary to implement and enforce [14 Del.C. §122](#). Accordingly, the Department finds that it is appropriate that the proposed amendments to [14 DE Admin. Code 282](#) Private Business and Trade Schools 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 implement the proposed amendments to [14 DE Admin. Code 282](#) Private Business and Trade Schools and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §122](#), [14 DE Admin. Code 282](#) Private Business and Trade Schools is amended.

V. Text and Citation

The text of [14 DE Admin. Code 282](#) Private Business and Trade Schools is amended, and said regulation shall be cited as [14 DE Admin. Code 282](#) Private Business and Trade Schools in the *Administrative Code of Regulations* for the Department.

VI. Effective Date of Order

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

IT IS SO ORDERED the 9th day of January 2026

Department of Education
Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 459 (29 DE Reg. 459). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 692 02-01-26>

OFFICE OF THE SECRETARY

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

FINAL

ORDER

605 Student Rights and Responsibilities

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §122, the Delaware Department of Education (“Department”) developed amendments to 14 DE Admin. Code 605 Student Rights and Responsibilities. 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 December 1, 2025. The Department received one written submittal concerning the proposed regulation. The written submittal was from the State Council for Persons with Disabilities (SCPD). The Council supports the proposed amendments to the regulation.

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

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

III. Findings of Facts

The Department finds that minor amendments to 14 DE Admin. Code 605 Student Rights and Responsibilities are necessary to implement and enforce 14 Del.C. §122. Accordingly, the Department finds that it is appropriate to minimally amend 14 DE Admin. Code 605 Student Rights and Responsibilities 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 605 Student Rights and Responsibilities and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §122, 14 DE Admin. Code 605 Student Rights and Responsibilities is amended.

V. Text and Citation

The text of 14 DE Admin. Code 605 Student Rights and Responsibilities is amended, and said regulation shall be cited as 14 DE Admin. Code 605 Student Rights and Responsibilities in the *Administrative Code of Regulations* for the Department.

VI. Effective Date of Order

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

IT IS SO ORDERED the 9th day of January 2026

Department of Education
Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 462 (29 DE Reg. 462). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 693 02-01-26>

FINAL REGULATIONS

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 4168 (14 Del.C. §4168)
14 DE Admin. Code 624

FINAL

ORDER

624 School District/Charter School Policy Prohibiting Cyberbullying

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §4168, the Delaware Department of Education (“Department”) developed amendments to 14 DE Admin. Code 624 School District/Charter School Policy Prohibiting Cyberbullying. 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 December 1, 2025. The Department received one written submittal concerning the proposed regulation. The written submittal was from the State Council for Persons with Disabilities (SCPD). The Council supports the proposed amendments to the regulation.

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

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

III. Findings of Facts

The Department finds that minor amendments to 14 DE Admin. Code 624 School District/Charter School Policy Prohibiting Cyberbullying are necessary to implement and enforce 14 Del.C. §4168. Accordingly, the Department finds that it is appropriate to minimally amend 14 DE Admin. Code 624 School District/Charter School Policy Prohibiting Cyberbullying 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 624 School District/Charter School Policy Prohibiting Cyberbullying and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §4168, 14 DE Admin. Code 624 School District/Charter School Policy Prohibiting Cyberbullying is amended.

V. Text and Citation

The text of 14 DE Admin. Code 624 School District/Charter School Policy Prohibiting Cyberbullying is amended, and said regulation shall be cited as 14 DE Admin. Code 624 School District/Charter School Policy Prohibiting Cyberbullying in the *Administrative Code of Regulations* for the Department.

VI. Effective Date of Order

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

IT IS SO ORDERED the 9th day of January 2026

Department of Education

Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 464 (29 DE Reg. 464). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 694 02-01-26>

OFFICE OF THE SECRETARY

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

FINAL

ORDER

725 School Administrator Contracts and Agreements

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §122, the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 725](#) School Administrator Contracts and Agreements. The Department made clarifying language 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 December 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

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

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

III. Findings of Facts

The Department finds that minimal amendments to [14 DE Admin. Code 725](#) School Administrator Contracts and Agreements are necessary to implement and enforce [14 Del.C. §122](#). Accordingly, the Department finds that it is appropriate that the proposed amendments to [14 DE Admin. Code 725](#) School Administrator Contracts and Agreements 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 implement the proposed amendments to [14 DE Admin. Code 725](#) School Administrator Contracts and Agreements and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §122](#), [14 DE Admin. Code 725](#) School Administrator Contracts and Agreements is amended.

V. Text and Citation

The text of [14 DE Admin. Code 725](#) School Administrator Contracts and Agreements is amended, and said regulation shall be cited as [14 DE Admin. Code 725](#) School Administrator Contracts and 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 9th day of January 2026

Department of Education
Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 465 (29 DE Reg. 465). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 695 02-01-26>

FINAL REGULATIONS

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 1725 (14 Del.C. §1725)
14 DE Admin. Code 775

FINAL

ORDER

775 New Teacher Hiring Data Reporting

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §1725, the Delaware Department of Education (“Department”) developed amendments to 14 DE Admin. Code 775 New Teacher Hiring Data Reporting. The Department made clarifying language 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 November 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 775 New Teacher Hiring Data Reporting are necessary to implement and enforce 14 Del.C. §1725. Accordingly, the Department finds that it is appropriate that the proposed amendments to 14 DE Admin. Code 775 New Teacher Hiring Data Reporting 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 implement the proposed amendments to 14 DE Admin. Code 775 New Teacher Hiring Data Reporting and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §1725, 14 DE Admin. Code 775 New Teacher Hiring Data Reporting is amended.

V. Text and Citation

The text of 14 DE Admin. Code 775 New Teacher Hiring Data Reporting is amended, and said regulation shall be cited as 14 DE Admin. Code 775 New Teacher Hiring Data Reporting in the Administrative Code of Regulations for the Department.

VI. Effective Date of Order

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

IT IS SO ORDERED the 12th of December 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 November 2025 issue of the *Register* at page 361 (29 DE Reg. 361). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 696 02-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 131 (14 Del.C. §131)
14 DE Admin. Code 804

FINAL

ORDER

804 Immunizations

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §131, the Delaware Department of Education (“Department”) developed amendments to 14 DE Admin. Code 804 Immunizations. The Department made changes to several sections in this regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on November 1, 2025. The Department 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 amendments to 14 DE Admin. Code 804 Immunizations are necessary to implement and enforce 14 Del.C. §131. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 804 Immunizations as proposed and 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 804 Immunizations and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §131, 14 DE Admin. Code 804 Immunizations is amended.

V. Text and Citation

The text of 14 DE Admin. Code 804 Immunizations is amended, and said regulation shall be cited as 14 DE Admin. Code 804 Immunizations in the Administrative Code of Regulations for the Department.

VI. Effective Date of Order

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

IT IS SO ORDERED the 12th day of December 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 November 2025 issue of the *Register* at page 363 (29 DE Reg. 363). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 697 02-01-26>

FINAL REGULATIONS

OFFICE OF THE SECRETARY

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

FINAL

ORDER

817 Medications and Treatments

I. Summary of the Evidence and Information Submitted

Pursuant to 14 **Del.C.** §122(b)(2), the Delaware Department of Education (“Department”) developed amendments to 14 **DE Admin. Code** 817 Medications and Treatments. The Department made changes to several sections in this regulation as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

Notice of the proposed regulation was published in the *Register of Regulations* on November 1, 2025. The Department 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 amendments to 14 **DE Admin. Code** 817 Medications and Treatments are necessary to implement and enforce 14 **Del.C.** §122(b)(2). Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 817 Medications and Treatments as proposed and 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** 817 Medications and Treatments and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 **Del.C.** §122(b)(2), 14 **DE Admin. Code** 817 Medications and Treatments is amended.

V. Text and Citation

The text of 14 **DE Admin. Code** 817 Medications and Treatments is amended, and said regulation shall be cited as 14 **DE Admin. Code** 817 Medications and Treatments in the Administrative Code of Regulations for the Department.

VI. Effective Date of Order

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

IT IS SO ORDERED the 12th day of December 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 November 2025 issue of the *Register* at page 366 (29 DE Reg. 366). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 698 02-01-26>

DEPARTMENT OF FINANCE OFFICE OF THE STATE LOTTERY

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

FINAL ORDER

203 Video Lottery and Table Game Regulations

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

1. Pursuant to the Director's statutory authority, the Director proposed for adoption revisions to the Office of the State Lottery's existing video lottery and table game regulations (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**) to update, simplify and clarify the current regulations and were primarily administrative in nature. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Director are not affected by this Order.
2. The statutory authority for these revisions is 29 **Del.C.** § 4805.
3. A copy of the proposed regulations was published in the December 1, 2025, edition of the Delaware *Register of Regulations* and has been available for inspection in the Office of the State Lottery, 1575 McKee Road, Suite 102, Dover, Delaware 19904 during regular office hours.
4. The Director did not receive any written comments on the proposed regulations during the thirty-day period following publication of the proposed regulations on December 1, 2025.
5. The Director finds that the proposed changes as set forth in the December 2025 *Register of Regulations* should be adopted.
6. Pursuant to 29 **Del. C.** §10118(b)(3), this regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets or the State's resiliency to climate change. Such assessment is not practical for this regulation.

DECISION AND ORDER CONCERNING THE REGULATIONS

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

Helene M. Keeley, Director

1/28/2026

Date

***Please note that no changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 486 (29 DE Reg. 486). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 699 02-01-26>

FINAL REGULATIONS

OFFICE OF THE STATE LOTTERY

Statutory Authority: 29 Delaware Code, Section 4805 (29 **Del.C.** §4805)
10 **DE Admin. Code** 204

FINAL

ORDER

204 Delaware Sports Lottery Rules and Regulations

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

1. Pursuant to the Director's statutory authority, the Director proposed for adoption revisions to the Office of the State Lottery's existing sports lottery rules and regulations (subsection 7.11 in [10 DE Admin. Code 204](#)) to clarify the requirements for prize ticket redemption. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Director are not affected by this Order.
2. The statutory authority for these revisions is 29 **Del.C.** § 4805.
3. A copy of the proposed regulations was published in the November 1, 2025, edition of the Delaware *Register of Regulations* and has been available for inspection in the Office of the State Lottery, 1575 McKee Road, Suite 102, Dover, Delaware 19904 during regular office hours.
4. The Director did not receive any written comments on the proposed regulations during the thirty-day period following publication of the proposed regulations on November 1, 2025.
5. The Director finds that the proposed changes as set forth in the November 2025 *Register of Regulations* should be adopted.
6. Pursuant to 29 **Del. C.** §10118(b)(3), this regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets or the State's resiliency to climate change. Such assessment is not practical for this regulation.

DECISION AND ORDER CONCERNING THE REGULATIONS

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

Helene M. Keeley, Director

1/28/2026

Date

***Please note that no changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 372 (29 DE Reg. 372). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 700 02-01-26>

OFFICE OF THE STATE LOTTERY

Statutory Authority: 29 Delaware Code, Section 4805 (29 **Del.C.** §4805)
10 **DE Admin. Code** 206

FINAL

ORDER

206 Internet Lottery Rules and Regulations

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

1. Pursuant to the Director's statutory authority, the Director proposed for adoption revisions to the Office of the State Lottery's existing video lottery and table game regulations (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](#)) to update, simplify and clarify the current regulations and were primarily administrative in nature. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Director are not affected by this Order.
2. The statutory authority for these revisions is 29 **Del.C.** § 4805.
3. A copy of the proposed regulations was published in the December 1, 2025, edition of the Delaware *Register of Regulations* and has been available for inspection in the Office of the State Lottery, 1575 McKee Road, Suite 102, Dover, Delaware 19904 during regular office hours.
4. The Director did not receive any written comments on the proposed regulations during the thirty-day period following publication of the proposed regulations on December 1, 2025.
5. The Director finds that the proposed changes as set forth in the December 2025 *Register of Regulations* should be adopted.
6. Pursuant to 29 **Del. C.** §10118(b)(3), this regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets or the State's resiliency to climate change. Such assessment is not practical for this regulation.

DECISION AND ORDER CONCERNING THE REGULATIONS

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

Helene M. Keeley, Director

January 29, 2026

Date

***Please note that no changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 487 (29 DE Reg. 487). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 701 02-01-26>

FINAL REGULATIONS

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

CHIP Global Budget

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 Global Budget, specifically, to amend the Whole Child Health Global Budget model for fee-for-services program populations. 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 Global Budget.

Background

On January 2, 2025, the Secretary of DHSS executed a Memorandum of Understanding (MOU) with Nemours Children’s Health (Nemours) to implement the Whole Child Health Global Budget model (Model). The Model is a financing arrangement between DHSS and Nemours designed to promote whole child health while simultaneously mitigating growth in costs and optimizing financial stability for both DHSS/DMMA and Nemours.

Statutory Authority

42 CFR 447.201

Purpose

The purpose of this regulation is to amend the Whole Child Health Global Budget model for fee-for-services program populations.

Summary of Proposed Changes

Effective June 2, 2025, the DHSS/DMMA proposes to amend Title XXI CHIP State Plan to clarify global budget.

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

There were no public comments received.

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 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 XXI CHIP State Plan regarding CHIP Global Budget, specifically, to amend the Whole Child Health Global Budget model for fee-for-services program populations is adopted and shall be final effective February 11, 2026.

1/8/2026 | 11:52AM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

CHIP Global Budget

***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/February2026/840276DF-09E3-4A3F-8012-D4970F0323AF>

DIVISION OF PUBLIC HEALTH

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

FINAL

ORDER

4204 Care and Transportation of the Dead

NATURE OF THE PROCEEDINGS:

The Delaware Department of Health and Social Services ("DHSS"), Division of Public Health recently initiated proceedings to amend regulation 4204 Care and Transportation of the Dead. These proceedings were initiated pursuant to 29 **Del.C.** §10115 and the statutory authority as prescribed by 16 **Del.C.** §§122(3) and 3103.

On August 1, 2025 (29 **DE Reg.** 98), DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments and requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by September 2, 2025, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation.

No comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, public notices regarding the proposed amendments to the regulation governing the care and transportation of the dead were published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed regulation during the public comment period (August 1, 2025 through September 2, 2025).

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

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

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. The Department finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 4204 Care and Transportation of the Dead shall become effective February 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

1/13/2026 | 2:59 PM EST
Date

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

***Please note that no changes were made to the regulation as originally proposed and published in the August 2025 issue of the *Register* at page 98 (29 DE Reg. 98). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 703 02-01-26>

DIVISION OF PUBLIC HEALTH

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

FINAL

ORDER

4305 Trauma System

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health initiated proceedings to amend regulation 4305 Trauma System on November 1, 2025 (29 **DE Reg.** 376). These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by [16 Del.C. §122](#).

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

SUMMARY OF EVIDENCE:

Written comments were accepted on the proposed regulation during the public comment period (November 1, 2025 through December 1, 2025). Entities offering written comments included the State Council for Persons with Disabilities.

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

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

The Council wishes to express the vital importance of ensuring robust representation of, and by, individuals with disabilities or their family members. This is particularly pertinent in relation to a membership position on the Trauma System Committee and its various subcommittees, where perspectives from persons with disabilities and their families are essential for creating an inclusive and effective trauma care system.

Additionally, the council recommends a process to provide information on SCPD's Brain Injury Committee, and the Traumatic Brain Injury fund for those who have experienced a TBI.

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

Agency Response: The Division of Public Health (Agency) appreciates and acknowledges these comments. The Trauma System of Care (TSoC) Leadership agrees that the SCPD should participate in future TSoC meetings.

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

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

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. The Department finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 4305 Trauma System shall become effective February 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

1/9/2026 | 2:48 PM EST

Date

Christen Linke Young

Cabinet Secretary

Delaware Department of Health and Social Services

***Please note that no changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 376 (29 DE Reg. 376). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 704 02-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)(w) (16 **Del.C.** §122(3)(w))
16 **DE Admin. Code** 4451

FINAL

ORDER

4451 Body Art Establishments

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health initiated proceedings to amend regulation 4451 Body Art Establishments on November 1, 2025 (29 **DE Reg.** 376). These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §122.

DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 **Del.C.** §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by December 1, 2025, after which time DHSS would review information,

factual evidence, and public comment on the proposed regulation. No comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with [29 Del.C. §10115](#), the public notice regarding the proposed amendments to the regulation governing body art establishments was published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed regulation during the public comment period (November 1, 2025 through December 1, 2025).

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

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

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. The Department finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 4451 Body Art Establishments shall become effective February 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

1/9/2026 | 2:48 PM EST
Date

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

*Please note that no changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 376 (29 DE Reg. 376). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 705 02-01-26>

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DIVISION OF STATE POLICE

Board of Examiners of Private Investigators and Private Security Agencies

Statutory Authority: 24 Delaware Code, Section 1305(b) (24 Del.C. §1305(b))
24 DE Admin. Code 1300

FINAL

ORDER

1300 Board of Examiners of Private Investigators and Private Security Agencies

SUMMARY OF THE EVIDENCE

1. Title 24, Section 1305(b) of the Delaware Code authorizes the Board of Examiners of Private Investigators and Private Security Agencies to promulgate all rules and regulations necessary to carry out the provisions of Chapter 13.

2. The Board of Examiners of Bail Enforcement Agents published its proposed revisions to 24 DE Admin. Code 1300 in the *Delaware Register of Regulations* on November 1, 2025, in [29 DE Reg. 380 \(11/01/25\)](#). A written comment period was held open for thirty days, through December 1, 2025.

3. The Board's purpose in revising the regulation is to update the firearms policy and training requirements for licensure, to provide for the use of canines in select circumstances, and to provide better clarity to the regulation.

4. The Board solicited and requested public comment on the proposed revisions to the regulation in accordance with the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101, et. seq., and no public comments were submitted. Determining that no substantive changes are required to the proposed regulation revisions, this is the Board's Decision and Order adopting the proposed regulation as revised with the rest of the rules as published remaining unchanged.

FINDINGS OF FACT AND CONCLUSIONS

The Board of Examiners of Private Investigators and Private Security Agencies revised the firearms policy and training requirements applicable to Private Investigators and Private Security Agencies to update both the initial and ongoing training and certification requirements for licensed Private Investigators and Private Security Agencies. Additionally, the Board removed the prohibition on use of animals and will permit canine-assisted investigations for specific circumstances; licensed agencies must seek additional approval from the Director of Professional Licensing for use of a canine. These are substantive changes for which the Board sought public comments; it received none. Accordingly, the Board finds that it is appropriate to adopt the proposed revisions to regulation **24 DE Admin. Code 1300**, pursuant to **24 Del.C. §1305(b)**.

STATEMENT OF CLIMATE IMPACT

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

ORDER

AND NOW this 7th day of January, 2026, it is hereby ordered by the Board of Examiners of Private Investigators and Private Security Agencies that:

1. The proposed regulation revisions are hereby adopted; and
2. The effective date of this order is 10 days from the date of its publication in the *Delaware Register of Regulations* in accordance with **29 Del.C. §10118(g)**.

IT IS SO ORDERED.

/s/ Major Jason H. Sapp, Chair	/s/ Sandra C. Taylor
/s/ Robert J. Irwin	/s/ Kelly R. Jansen
/s/ Robert M. Gouge	/s/ Javon Koonce
/s/ Mark W. Rainford	/s/ Nicholas J. Paros

***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 November 2025 issue of the *Register* at page 380 (29 DE Reg. 380). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 706 02-01-26>

DIVISION OF STATE POLICE Board of Examiners of Constables

Statutory Authority: 24 Delaware Code, Section 5604(1) (24 **Del.C.** §5604(1))
24 DE Admin. Code 2400

FINAL

ORDER

2400 Board of Examiners of Constables

SUMMARY OF THE EVIDENCE

1. Title 24, Section 5604(1) of the Delaware Code authorizes the Board of Examiners of Constables to promulgate all rules and regulations necessary to enforce the provisions of Chapter 56.

FINAL REGULATIONS

2. The Board of Examiners of Constables published its proposed revisions to 24 DE Admin. Code 2400 in the *Delaware Register of Regulations* on November 1, 2025, in [29 DE Reg. 380 \(11/01/25\)](#). A written comment period was held open for thirty days, through December 1, 2025.

3. The Board's purpose in revising the regulation is to update the provisions governing training requirements and permitted weapons, and to re-designate the regulation number and implement other updates required by the move of the Board's enabling legislation from 10 **Del.C.** Ch. 27 to 24 **Del.C.** Ch. 56.

4. The Board solicited and requested public comment on the proposed revisions to the regulation in accordance with the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101, et. seq., and four public comments were submitted. The Board considered the public comments at its December 3, 2025, Board meeting, and determined that no substantive changes are required at this time. This Board's Decision and Order adopting the proposed regulation as revised with the rest of the rules as published remaining unchanged.

FINDINGS OF FACT AND CONCLUSIONS

The Board of Examiners of Constables revised both the training requirements and permitted weapons applicable to Constables, re-designated the regulation number to reflect the move of the Board's enabling legislation from 10 **Del.C.** Ch. 27 to 24 **Del.C.** Ch. 56, and implemented additional updates throughout the regulation arising from the move of the enabling legislation. Substantively, the revisions include an update to the initial and ongoing training and certification requirements for Constables, clarification of the types of criminal offenses that disqualify an applicant, restrictions on altering approved designs for badges and vehicle markings, and changes to the weapons permitted to be utilized by licensed Constables, and the training and approval requirements related thereto.

The Board received four public comments, each of which requested or proposed changes intended to clarify the provision. One comment proposed a substantive change suggesting to eliminate the restriction that all weapons must be double-action or double action only. The Board considered and discussed each public comment, and determined that the requested changes were not necessary, but that they would consider implementing additional clarifying language the next time it revised the regulation. The Board also requested that the Professional Licensing Section prepare some proposed language for its consideration at the next Board meeting.

Accordingly, the Board finds that it is appropriate to adopt the proposed revisions to regulation [24 DE Admin. Code 2400](#), pursuant to [24 Del.C. §5604\(1\)](#).

STATEMENT OF CLIMATE IMPACT

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

ORDER

AND NOW this 7th day of January, 2026, it is hereby ordered by the Board of Examiners of Constables that:

1. The proposed regulation revisions are hereby adopted; and
2. The effective date of this order is 10 days from the date of its publication in the *Delaware Register of Regulations* in accordance with [29 Del.C. §10118\(g\)](#).
3. On the effective date of this order, this regulation will be re-designated as 24 DE Admin. Code 5600.

IT IS SO ORDERED.

/s/ Major Jason C. Sapp, Chair	/s/ Xavier Moore
/s/ Dennis Kelleher, Esq.	/s/ John J. Slank
/s/ Major Benjiman W. Feldman	/s/ Carl D. Bond, Jr.
/s/ Marvin Mailey, Jr.	

***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 November 2025 issue of the *Register* at page 380 (29 DE Reg. 380). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 707 02-01-26>

**DIVISION OF STATE POLICE
Board of Examiners of Bail Enforcement Agents**

Statutory Authority: 24 Delaware Code, Section 5503(d)(2) (24 **Del.C.** §5503(d)(2))
24 **DE Admin. Code** 5500

FINAL

ORDER

5500 Bail Enforcement Agents

SUMMARY OF THE EVIDENCE

1. Title 24, Section 5503(d)(2) of the Delaware Code authorizes the Board of Examiners of Bail Enforcement Agents to promulgate all rules and regulations necessary to carry out the provisions of Chapter 55.
2. The Board of Examiners of Bail Enforcement Agents published its proposed revisions to 24 DE Admin. Code 5500 in the *Delaware Register of Regulations* on November 1, 2025, in [29 DE Reg. 381 \(11/01/25\)](#). A written comment period was held open for thirty days, through December 1, 2025.
3. The Board's purpose in revising the regulation is to update the firearms policy and training requirements for licensure and to provide better clarity to the regulation.
4. The Board solicited and requested public comment on the proposed revisions to the regulation in accordance with the Delaware Administrative Procedures Act, [29 Del.C. Ch. 101, et. seq.](#), and no public comments were submitted. Determining that no substantive changes are required to the proposed regulation revisions, this is the Board's Decision and Order adopting the proposed regulation as revised with the rest of the rules as published remaining unchanged.

FINDINGS OF FACT AND CONCLUSIONS

The Board of Examiners of Bail Enforcement Agents revised both the firearms policy and training requirements applicable to Bail Enforcement Agents to update both the initial and ongoing training and certification requirements for Bail Enforcement Agents. Additionally, the policies were revised to ensure that a licensed Bail Enforcement Agent acting in a professional capacity may only use a firearm for which the individual has received adequate training and that has been approved by the Director of Professional Licensing. These are substantive changes for which the Board sought public comments; it received none. Accordingly, the Board finds that it is appropriate to adopt the proposed revisions to regulation [24 DE Admin. Code 5500](#), pursuant to [24 Del.C. §5503\(d\)\(2\)](#).

STATEMENT OF CLIMATE IMPACT

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

ORDER

AND NOW this 7th day of January, 2026, it is hereby ordered by the Board of Examiners of Bail Enforcement Agents that:

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

IT IS SO ORDERED.

/s/ Major Jason H. Sapp, Chair	/s/ Julie Miro-Wenger
/s/ John Yeomans	/s/ Brandon Habron
/s/ Robin L. Pyfer	/s/ Kevin Hamilton
/s/ Patrick C. Wenk, Esq.	

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

FINAL REGULATIONS

*Please note that no changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 381 (29 DE Reg. 381). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/february2026/final/29 DE Reg 709 02-01-26>

DEPARTMENT OF STATE

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 209(a)(1) and 1014(f)(1) (26 Del.C. §§209(a)(1) & 1014(f)(1))
26 DE Admin. Code 3013

FINAL

ORDER

3013 Rules for and Regulation of Community Energy Facilities

IN THE MATTER OF THE ADOPTION OF)
REGULATIONS FOR COMMUNITY)
ENERGY FACILITIES TO IMPLEMENT THE) PSC REGULATION DOCKET
PROVISIONS OF 26 DEL.C. §§ 352 AND 360) NO. 3013
AND 26 DEL.C. §§ 1001 AND 1014 AS)
AMENDED (OPENED SEPTEMBER 7, 2010;)
REOPENED APRIL 19, 2011; REOPENED)
JULY 14, 2011; REOPENED OCTOBER)
25, 2023; REOPENED JUNE 4, 2025))

ORDER NO. 10927

AND NOW, this 7th day of January 2026, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on May 28, 2025, Commission Staff (“Staff”) filed a petition (“Petition”) to reopen the Commission’s *Rules for and Regulation of Community Energy Facilities*, codified at 26 DE Admin. Code § 3013 (the “Rules”); and

WHEREAS, on June 4, 2025, the Commission issued Order No. 10723 reopening the regulations; and

WHEREAS, Staff amended the Rules to increase efficiencies, make improvements to the customer solicitation process, make revisions to comply with the Delaware Registrar of Regulation style manual, and other revisions based on feedback from interested stakeholders; and

WHEREAS, Staff held a public workshop on August 7, 2025 to review the amendments with interested stakeholders and solicit feedback; and

WHEREAS, Staff made additional revisions after the August 7, 2025 workshop based on feedback received and posted them in the docket on August 11, 2025 for the parties to review; and

WHEREAS, Staff requested that any additional comments or feedback be provided by September 5, 2025; and

WHEREAS, Staff received no additional comments or feedback; and

WHEREAS, on October 15, 2025, the Commission issued Order No. 10828 which approved publication of the proposed regulation in the *Delaware Register of Regulations*; and

WHEREAS, the proposed regulations were published in the November 2025 issue of the *Delaware Register of Regulations*; and

WHEREAS, pursuant to 26 Del.C. § 102A, the required public notice was published on the Commission’s website on November 4, 2025; and

WHEREAS, TPE filed written comments on the proposed regulations on November 26, 2025; and

WHEREAS, pursuant to 26 Del.C. § 209(a) the Commission held a public hearing on the proposed regulations on December 3, 2025, and

WHEREAS, no oral public comments were provided at the hearing. The written public comment period remained open until December 18, 2025; and

WHEREAS, Soltage filed written comments on December 18, 2025; and

WHEREAS, Perch Energy filed written comments on December 18, 2025; and

WHEREAS, no additional written comments were received by the December 18, 2025 deadline; and

WHEREAS, Staff has submitted to the Commission a Memorandum dated December 31, 2025, which the Commission incorporates herein by reference, outlining the comments received from TPE, Soltage and Perch Energy; and

WHEREAS, Staff has amended Section 12.4.1 of the proposed regulations based on comments from TPE, and Staff does not believe that this amendment is substantive in nature; and

WHEREAS, the Commission has reviewed the proposed regulations as required by 29 **Del.C.** § 10118(b)(3) and has determined that if promulgated, the regulation will support the State's resiliency to climate change by promoting the use of solar energy and installation of solar facilities, giving customers more energy source options and contributing to the State's greenhouse gas emissions reduction targets; and

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

1. That, for the reasons set forth above, the Commission hereby approves as final the attached *Rules for and Regulation of Community Energy Facilities*, to be codified in 26 **DE Admin. Code** § 3013. A marked-up version of the Rules reflecting the amended sections is attached as Exhibit "A".

2. Staff shall work with its Deputy Attorney General and submit the appropriate documents required by 29 **Del.C.** § 10111 *et seq.* and 29 **Del.C.** § 10401 *et seq.* to the Delaware Office of the Registrar of Regulations (the "Registrar") for publication of the final Regulations in the *Delaware Register of Regulations*. Staff shall also work with its Deputy Attorney General to revise the final Regulations as recommended by the Registrar.

3. That, pursuant to 29 **Del.C.** § 10118(g), the effective date of the proposed final regulation shall be ten (10) days after publication in the *Delaware Register of Regulations*.

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

Dated: January 7, 2026

BY ORDER OF THE COMMISSION:

/s/ Dallas Winslow, Chairman
Voted via Teleconference pursuant to 29 **Del.C.**
§10006(A)(d)

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner

Kim Drexler, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary

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

3013 Rules for and Regulation of Community Energy Facilities

(Break in Continuity of Sections)

11.012.0 Change in Ownership and Assignment of Contracts

11.112.1 Prior to the effective date of any assignment or transfer of the ownership of a community energy facility with a final certificate to operate to a person or company who is not an existing community energy facility, facility with a final certificate to operate, the new owner must obtain a final certificate to operate under Section 5.0 of this ~~regulation~~ regulation.

11.212.2 At least 30 days prior to the effective date of any assignment or transfer of the contracts of a community energy facility to another existing community energy facility, the community energy facilities shall jointly:

- ~~11.2.1~~12.2.1 Provide written notice of the assignment or transfer to the subscribers of the community energy facility, with a copy to the Commission, Delmarva and the DPA;
- ~~11.2.2~~12.2.2 Coordinate with Delmarva the transfer of ownership;
- ~~11.2.3~~12.2.3 Send a letter to the subscribers informing them of the assignment or transfer. The letter shall include:
- ~~11.2.3.1~~12.2.3.1 A description of the transaction in clear and concise language including the effective date of the assignment or transfer;
- ~~11.2.3.2~~12.2.3.2 Customer service contact information for the assignee; and
- ~~11.2.3.3~~12.2.3.3 A statement that the terms and conditions of the subscriber's contract at the time of assignment shall remain the same for the remainder of the contract term.
- ~~11.3~~12.3 Upon request by the Commission, the assignee shall be responsible for providing documents and records related to the assigned contracts. The community energy facility must maintain such records for a period of 5 years or until the contracts expire, whichever is longer.
- 12.4 If a preliminary certificate to operate has been issued, but a final certificate to operate has not yet been issued, then any change in ownership shall be handled as follows:
- 12.4.1 Notice must be provided to the Commission **[within]** 30 days **[prior to]** the change of ownership **[where feasible]**.
- 12.4.2 The new owner must complete an application for a preliminary certificate to operate pursuant to Section 4.0 within 30 days of the effective date of the ownership change.
- 12.4.3 The previous owner and new owner must coordinate with Delmarva regarding the transfer of ownership.

***Please note that no additional changes were made to the regulation as originally proposed and published in the November 2025 issue of the Register at page 382 (29 DE Reg. 382). 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/february2026/final/29 DE Reg 710 02-01-26](https://regulations.delaware.gov/register/february2026/final/29%20DE%20Reg%20710%2002-01-26)

WITHDRAWN

Department of State

Public Service Commission

[3001 Rules for Certification and Regulation of Electric Suppliers](#)

29 DE Reg. 293 (10/01/2025) (Proposed)

Division of Professional Regulation

[1400 Board of Electrical Examiners](#)

29 DE Reg. 100 (08/01/2025) (Proposed)

GENERAL NOTICES

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

Delaware NPDES Construction General Permit Reauthorization

The Department of Natural Resources and Environmental Control (DNREC) Division of Watershed Stewardship Sediment and Stormwater Program has revised the Delaware National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP). The CGP was previously authorized in March 2021, with an effective period of five years, and is to be reauthorized March 11, 2026. This document supports 7 DE Admin. Code 7201 Regulations Governing the Control of Water Pollution, Part 2 – Special Conditions for Stormwater Discharges From Construction Activities, and is in compliance with the Clean Water Act, 33.U.S.C §1251 et. seq., and 40 CFR §123.1.

The Delaware NPDES CGP was publicly noticed on December 1, 2025. All comments have been considered, and changes are detailed in the Delaware NPDES CGP Fact Sheet. These documents are available for review at <https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/>.

A public hearing on the revised permit will NOT be held unless the Secretary of DNREC determines that a public hearing is in the public interest or if a written meritorious objection to the permit is received within 15 days from this notice, ending February 16, 2026. A public hearing request shall be in writing, show familiarity with the permit, and provide a reasoned statement of the revised permit's probable impact.

Comments and questions regarding the revised Delaware NPDES CGP may be directed to Bonnie Arvay, bonnie.arvay@delaware.gov.

DEPARTMENT OF STATE

PUBLIC INTEGRITY COMMISSION

Statutory Authority: 29 Delaware Code, Section 5809 (29 **Del.C.** §5809)

GENERAL NOTICE

NOTICE

Notice of Bylaws Amendment

Pursuant to 29 **Del.C.** §5809(6), the Public Integrity Commission proposed an addition to its governing rules regarding constructive notice.

1. Applicability

This bylaw shall apply in all instances where the Commission, after due diligence, is unable to serve notice personally upon a respondent, and there is reason to believe that the respondent is out of the State or otherwise avoiding service, despite evidence that the respondent maintains employment or other relevant ties within the State.

2. Constructive Notice Procedure

Constructive notice shall be deemed complete and legally sufficient when any two of the following methods of service have been effectuated:

2.1 Residential Service: Notice is sent by certified mail to the respondent's last known residential address in the State of Delaware, as documented in Commission records or through reasonable investigation.

2.2 Workplace Service: Notice is served by personal delivery or certified mail, to the respondent's known place of employment within the State of Delaware.

2.3 Publication: Notice is published once per week for two consecutive weeks in a newspaper of general circulation that covers the geographic area of the respondent's last known residence or place of employment, either within the State or in another jurisdiction, provided the respondent is reasonably believed to be located there.

2.4 Electronic mail: Notice is served by sending an email to the respondent's last known email address and the message is shown to have been opened by receiving back a 'read receipt'.

2.5 Other electronic message: Notice is served by sending a text message to the respondent's last known phone number or via a messaging application if the Commission has records of the respondent's account information.

3. Completion of Service

Constructive notice shall be deemed complete on the later of:

3.1 The date of the second publication, if publication is used; or

3.2 Five business days following the mailing or delivery of notice under subsections 2.1 or 2.2, whichever is applicable.

4. Effect of Constructive Notice

Once constructive notice is deemed complete in accordance with this bylaw, the Commission may proceed with any action as if actual notice had been effectuated.

CALENDAR OF EVENTS/HEARING NOTICES

DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM (DELJIS) BOARD OF MANAGERS

PUBLIC NOTICE

1301 Delaware Criminal Justice Information System Rules and Regulations

Notice is hereby given that the Board of Managers of the Delaware Criminal Justice Information System (DELJIS), in accordance with 11 Del.C. §8605, proposes to amend the adopted rules in [1 DE Admin. Code 1301](#) Delaware Criminal Justice Information System Rules and Regulations. The Board proposes to add a subsection to Rule 6.0 Responsibilities of Authorized Agencies; the change is intended to facilitate and ensure compliance with the legislative directive in 11 Del.C. §8404(d) that every police agency be accredited by the Delaware Police Accreditation Commission no later than July 1, 2028. Any persons wishing to present comments on the proposed changes may submit them in writing, by Tuesday, March 3, 2026, to Colonel James Leonard, DELJIS Board Chairperson, C/O: Alyssa Huenke, 800 Silver Lake Blvd., Suite 101, Dover, DE 19904, or via email to alyssa.huenke@delaware.gov. The Board will consider any written comments received by Tuesday, March 3, 2026, during its next regularly scheduled meeting and will determine whether to adopt the proposed rule as originally published or make additional changes because of the public comments received.

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

PUBLIC NOTICE

Notice of Monthly Meeting

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties. The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website: <https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

DEPARTMENT OF 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 proposed amendments are to subsections 17.3.1, 17.3.2, 17.4, 17.6 (added), 17.7 and 17.8 in [10 DE Admin. Code 203](#).

The amendment to these subsections will update, simplify and clarify current regulations regarding the opening and closing of table games and are primarily administrative in nature.

This amendment is separate from the December 2025 changes that are being finalized in this publication.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before March 3, 2026, at the offices of the Delaware State Lottery, Attn: Jayne Gooden, 1575 McKee Road, Suite 102, Dover, DE 19904.

CALENDAR OF EVENTS/HEARING NOTICES

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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.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4101 Birth Defect Surveillance and Registry Program

Pursuant to **16 Del.C. §203**, the Department of Health and Social Services, Division of Public Health is proposing revisions to regulation 4101 Birth Defect Surveillance and Registry Program and intends to hold them open for public comment per Delaware law. The revisions include technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*, updates to Appendix A (Delaware Birth Defects Registry Reportable Diagnoses), and Appendix B (Registry Reporting Form).

Copies of the proposed regulation are available for review in the February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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 4202 Control of Communicable and Other Disease Conditions

Pursuant to **16 Del.C. §122(3)(a)** and **505**, the Department of Health and Social Services, Division of Public Health, Family Health Systems and Management Section, is proposing revisions to the regulation governing the control of communicable and other disease conditions (**16 DE Admin. Code 4202**).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include revision to the guidelines for vaccine preventable diseases, revision to the guidelines for notification of emergency medical care providers of exposure to communicable diseases, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

Copies of the proposed regulation are available for review in the February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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

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**DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4458A Cottage Food Regulations**

Pursuant to 16 **Del.C.** §§122(3)u.1., the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the Regulations Governing Cottage Food Regulations (16 **DE Admin. Code** 4458A).

Changes include revisions to guidelines for permits and other technical edits 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 February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on March 3, 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
4459C Lead-Based Paints on Outdoor Structures**

Pursuant to 16 **Del.C.** §122(3)(t) & 16 **Del.C.** Ch. 30M, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing a new regulation governing the use of lead-based paints on outdoor structures.

This regulation, pursuant to 81 **Del. Laws, c. 396**, excludes consumer products and paints regulated under 16 CFR 1303 "Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint", establishes standards for the regulation of lead-based paint use on outdoor structures, and establishes procedures for enforcement.

Copies of the proposed regulation are available for review in the February 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on Monday, May 4, 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 WASTE AND HAZARDOUS SUBSTANCES PUBLIC NOTICE 1203 Reporting of a Discharge of a Pollutant or Air Contaminant

SAN # 2024-17
Docket # 2024-R-WHS-0021

The Division of Waste and Hazardous Substances is proposing to amend regulatory requirements for reporting the discharge of a pollutant or an air contaminant as mandated in [7 Del.C. §6028](#). The table identifying reportable quantities published under this regulation is static and has not been updated since 2004 and may not reflect changes made at the federal level. Departmental review of Delaware specific chemicals and their reportable quantities is appropriate to account for any regulatory or programmatic changes within the Department.

A virtual public hearing (Docket # 2024-R-WHS-0021) will be held on Wednesday, February 25, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: 189549. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter Meeting ID 825 6315 5596. 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 February 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Eileen Butler by phone at 302-395-2500 or through email at Eileen.Butler@delaware.gov.

The Department will accept public comment through the close of business on Thursday, March 12, 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 Charitable Gaming PUBLIC NOTICE 101 Regulations Governing Bingo

The Delaware Board of Charitable Gaming, pursuant to [28 Del.C. §1508\(a\)\(2\)](#), proposes to amend its regulations to fix technical or style errors, correct internal inconsistencies, and ensure that the regulation conforms to the statute and Division of Professional Regulation procedures. Specifically, the Board proposes to amend Section 6.0 to further clarify that after even reports must be filed electronically and Section 7.0 to render the regulation consistent with the Board's enabling statute pertaining to licensee discipline.

The Board will hold a public hearing on February 25, 2026, at 10:00 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 Jamie Johnson,

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Administrator of the Delaware Board of Charitable Gaming, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until March 12, 2026.

DIVISION OF PROFESSIONAL REGULATION
Board of Charitable Gaming
PUBLIC NOTICE
102 Regulations Governing Raffles

The Delaware Board of Charitable Gaming, pursuant to [28 Del.C. §1508\(a\)\(2\)](#), proposes to amend its regulations to fix technical or style errors and ensure that the regulation conforms to the statute and Division of Professional Regulation procedures. Specifically, the Board proposes to amend Section 7.0 to further clarify that after even reports must be filed electronically and Section 8.0 to render the regulation consistent with the Board's enabling statute pertaining to licensee discipline.

The Board will hold a public hearing on February 25, 2026, at 10:00 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 Jamie Johnson, Administrator of the Delaware Board of Charitable Gaming, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until March 12, 2026.

DIVISION OF PROFESSIONAL REGULATION
Board of Electrical Examiners
PUBLIC NOTICE
1400 Board of Electrical Examiners

Pursuant to [24 Del.C. §1406\(a\)\(1\)](#), the Delaware Board of Electrical Examiners ("Board") has proposed revisions to its regulations.

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

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

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

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

On August 1, 2025, proposed revisions to the regulation were published in the *Delaware Register of Regulations*, Volume 29, Issue 2. A public hearing was scheduled for September 3, 2025, but it was canceled due to lack of quorum. The Board hereby withdraws the proposed regulation published on August 1, 2025, and submits the proposed regulation attached as Exhibit A.

The Board will hold a public hearing on March 4, 2026, at 8:30 a.m. in conference room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Electrical Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at jazmine.peebles@delaware.gov.

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In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be March 19, 2026. The Board will deliberate on all the public comments at its regularly scheduled meeting thereafter.

**DIVISION OF PROFESSIONAL REGULATION
Real Estate Commission
PUBLIC NOTICE
2900 Real Estate Commission**

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

Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 3, 2026, pursuant to [29 Del.C. § 10118\(a\)](#).

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

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

Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 3, 2026, pursuant to [29 Del.C. § 10118\(a\)](#).

**PUBLIC SERVICE COMMISSION
PUBLIC NOTICE
3001 Rules for Certification and Regulation of Electric Suppliers**

PSC REGULATION DOCKET NO. 3001
Opened: April 27, 1999
Reopened: April 2, 2025 (PSC Order No. 10678)

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission ("Commission" or "PSC") pursuant to [26 Del.C. §209\(a\)](#) proposes to revise the *Rules for Certification and Regulation of Electric Suppliers* codified at [26 DE Admin. Code 3001](#) (the "Regulation") to better protect consumers and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

The Registrar published proposed amendments to the Regulation in the October 2025 edition of the *Delaware Register of Regulations*. After reviewing public comments, the Commission made substantive changes to the proposed

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amendments and must now republish the proposed amendments to the Regulation and hold another public comment period and public hearing.

You can review the proposed Regulation in the February 2026 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. 3001"). 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. 3001."

The Commission will hold a public hearing on the proposed regulation on March 11, 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 March 11, 2026 hearing, written comments must be submitted on or before March 4, 2026. Pursuant to 29 Del.C. §10118(a), written comments will be accepted after the hearing until March 26, 2026.

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