
Delaware Register of Regulations

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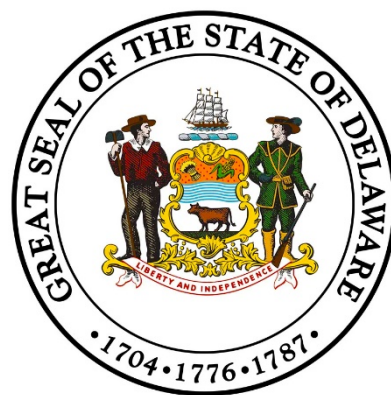
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before May 15, 2026.

*Cover Photo by
Colinda Marker*

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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 17	4:30 p.m.
October 1	September 15	4:30 p.m.
November 1	October 15	4:30 p.m.
December 1	November 16	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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1400 Policies and Procedures Regarding FOIA Requests	29 DE Reg. 300 (Prop.)
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**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

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

ERRATA

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

* **Please Note:** The Department of Education, Office of the Secretary, final regulation for 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings was published in the April 01, 2026 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 861 (04/01/26)). The following subsection was inadvertently published incorrectly.

Subsection ~~40.3.3~~ 7.3.1 was published as:

~~40.3.3~~ 7.3.1 The hearing shall be held not less than ~~seven (7)~~ 7 business days or more than ~~twenty (20)~~ 20 business days after receipt of ~~the~~ written notice ~~in subsection 7.3.2 of this regulation~~. ~~The written notice shall be deemed to be received on the fourth business day following the day of mailing. This~~ The time period for holding the hearing may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing district or charter school and the student and the student's parent, if the student is under 18.

Subsection ~~40.3.3~~ 7.3.1 should have been published as:

~~40.3.3~~ 7.3.1 The hearing shall be held not less than ~~seven (7)~~ 7 business days or more than ~~twenty (20)~~ 20 business days after receipt of ~~the~~ written notice ~~in subsection 7.3.2 of this regulation~~. ~~The written notice shall be deemed to be received on the fourth business day following the day of mailing. This~~ The time period for holding the hearing may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing district or charter school and the student and the student's parent, if the student is under 18.

This regulation was published as final in the April 01, 2026 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 861 (04/01/26)) with an effective date of April 11, 2026. Subsection ~~40.3.3~~ 7.3.1 will be corrected for publication in the Delaware Administration Code.

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF EDUCATION**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(b)(6) (14 **Del.C.** §122(b)(6))
14 **DE Admin. Code** 505

PROPOSED**PUBLIC NOTICE****505 High School Graduation Requirements and Diplomas****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)(6), the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 505 High School Graduation Requirements and Diplomas. The Department made changes to the regulation as a result of recent statutory changes.

This regulation was previously published as proposed on March 1, 2026. After that publication, based on public comments received, additional substantive amendments were identified as needing inclusion in the regulations.

Below are the responses to the public comments received from Delaware State Education Association (DSEA), Delaware Charter School Network (DCSN), Positive Outcomes Charter School (POCS), DelawareKidsCAN, Governor's Advisory Council for Exceptional Citizens (GACEC), State Council for Persons with Disabilities (SCPD) and several educators:

Statement of Neutrality: The DSEA expressed that all high school graduates should be prepared for either the workforce or higher education, supported by a rigorous curriculum that builds strong skills in English, math, critical thinking, problem-solving, and responsible citizenship. Students should also develop global awareness, environmental responsibility, and values that support lifelong growth. Requiring at least a half-credit course in financial literacy will equip students with essential life skills. Ensuring local education agencies have flexibility in how they implement the requirement is important to ensure students continue to receive a well-rounded education.

Response: The Department appreciates the comments provided by the DSEA.

Issue: The DCSN and POCS expressed concern that the itemized credit categories in subsection 7.1 appear to total 24.5 credits, creating a perceived inconsistency with the stated 24-credit graduation requirement.

Response: The Department clarifies that the regulation does not increase the minimum graduation requirement beyond 24 credits. The ½ credit in Financial Literacy is incorporated within the existing 24-credit structure. The Department has updated subsection 7.1 to provide additional clarity.

Issue: DelawareKidsCAN and the DCSN expressed concern that the updates to Regulation 505 do not reflect the legislative intent of HS 1 for House Bill 203 and may limit flexibility by directing implementation of Financial Literacy within Social Studies.

Response: The Department believes that the regulation reflects and directly implements the intent of HS 1 for HB 203 w/ SA 1, including the statute's requirement that students complete a ½ credit in Financial Literacy as part of either the Social Studies or elective credits required for graduation and aligns to the state-adopted Financial Literacy standards. Per HS 1 for HB 203 w/ SA 1, "Beginning with students entering grade 9 in the 2026 through 2027 school year, students must successfully complete a ½ credit in Financial Literacy as part of the Social Studies or elective credits required to receive a high school diploma issued under §152(a) of this title."

Issue: Several educators expressed concern that the Financial Literacy requirement should be located in Math or CTE rather than Social Studies.

Response: The Department notes that Financial Literacy is established as a separate content area under Delaware regulation 501, with its own state-adopted standards. HS 1 for HB 203 w/ SA 1 requires that students complete a ½ credit in Financial Literacy and specifies that this requirement may be satisfied as part of either the Social Studies or elective credits required for graduation. The legislation does not include Math or Career and Technical Education as pathways for earning Financial Literacy credit.

Issue: The DCSN, POCS, and educators expressed concern that limiting Financial Literacy integration to Economics is overly restrictive and does not allow for broader interdisciplinary connections within Social Studies.

Response: The Department has updated Regulation 505 to reflect the specific language in HS 1 for HB 203 w/ SA 1. Students must successfully complete a ½ credit in Financial Literacy as part of the Social Studies or elective credits, aligned to state adopted Financial Literacy standards, required to receive a high school diploma.

Issue: Daphne Herber expressed concern that allowing Financial Literacy to be integrated into other courses may result in reduced or insufficient instruction, rather than the comprehensive instruction intended by the legislation.

Response: The Department notes that Financial Literacy is established as a separate content area under Delaware regulation 501, with its own state-adopted standards. HS 1 for HB 203 w/ SA 1 requires that students complete a ½ credit in Financial Literacy aligned to state adopted Financial Literacy standards and specifies that this requirement may be satisfied as part of either the Social Studies or elective credits required for graduation.

Issue: The DCSN, POCS, and several educators expressed concern that the regulation may constrain local scheduling flexibility and negatively impact course offerings and sequencing, including Civics and World History.

Response: The Department acknowledges that any new graduation requirement requires adjustments to local master schedules. The Department recognizes the importance of courses such as World History and Civics within a comprehensive Social Studies program. Decisions regarding how these courses are included within local programs remain under the authority of districts and charter schools in alignment with HS 1 for HB 203 w/ SA 1.

Issue: Several educators suggested that the regulation should increase the Social Studies graduation requirement to 4 credits to accommodate the addition of Financial Literacy.

Response: The Department notes that HS 1 for HB 203 w/ SA 1 does not increase the total number of credits required for graduation or the number of credits required in Social Studies. The Department further notes that decisions regarding additional credit requirements beyond the state minimum remain under local control, and districts and charter schools may choose to require additional Social Studies credits based on local priorities.

Issue: The GACEC and the SCPD expressed concern that financial fraud is one of the fastest growing forms of abuse targeting seniors and adults with disabilities. Financial literacy will be important for all students, but particularly so for students with disabilities. Online and social media safety should be addressed in the curriculum, as individuals with ill intent target individuals with disabilities in this way.

Response: The Department acknowledges this concern and notes that Delaware's Financial Literacy Standards explicitly address fraud, identity theft, and online scams within Financial Literacy Standard Four, emphasizing consumer awareness, risk reduction, and the protection of personal information for all students, including those most vulnerable. The Department also acknowledges the importance of online and social media safety instruction. Media Literacy and Digital Citizenship instruction is implemented, for all students, by each school district and charter school in accordance with the Digital Citizenship Education Act (SB 195 of the 151st General Assembly).

Issue: SCPD recommends that James H. Groves special education services be added along with DSCYF at the beginning of the new subsection 9.1.

Response: The Department recognizes the recommendation. This is addressed in subsection 9.1.8.

Issue: The GACEC and SCPD suggested that the definition of "Adult Education" may create confusion because special education in adult correctional facilities is operated by the James H. Groves High School, but is a K12 educational program, and recommended that the definition be modified accordingly using the WIOA definition.

Response: The Department recognizes this suggestion and recommendation. James H. Groves high school services are not funded through the Federal Workforce Innovation and Opportunity Act (WIOA).

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 July 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? 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/june2026/proposed/29 DE Reg 960RFA 06-01-26.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/june2026/proposed/29 DE Reg 960 06-01-26>

OFFICE OF THE SECRETARY

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

PROPOSED**PUBLIC NOTICE****614 Uniform Definitions for Student Conduct Which May Result in Suspension, Alternative Placement, or Expulsion****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 ("Department") developed amendments to 14 **DE Admin. Code** 614 Uniform Definitions for Student Conduct Which May Result in Suspension, Alternative Placement, or Expulsion. The Department determined minor revisions are necessary to address student use of AI and to align the offense of possession or use of deadly weapons with the recent statutory change to the definition of deadly weapon.

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 July 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? 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? 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/june2026/proposed/29 DE Reg 963RFA 06-01-26.pdf>

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

1.0 Purpose

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

2.0 Definitions

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

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

"Charter school" means a charter school board established pursuant to [14 Del.C. Ch. 5](#).

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

"Crime" shall have the same definition as provided in [14 Del.C. §4112](#).

"Dangerous instrument" shall have the same definition as provided in [11 Del.C. §222](#).

"Deadly weapon" shall have the same definition as provided in [11 Del.C. §222](#).

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

"Drug" means any "controlled substance" or "counterfeit controlled substance" as defined in [16 Del.C. §4701](#).

"Drug paraphernalia" shall have the same definition as provided in [16 Del.C. §4701](#).

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

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

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

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

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

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

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

3.0 Uniform Definitions for Attorney General's Reports

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

"Assault" means any offense defined by [11 Del.C. §§611 through 613](#).

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

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

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

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

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

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

"Theft" means those acts described in [11 Del.C. §§841 through 847](#) inclusive.

4.0 Uniform Definitions for Student Codes of Conduct

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

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

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

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

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

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

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

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

- "Destruction of property"** means students who damage or deface school property or the personal property of another person. This includes tampering with security, medical, or fire protective equipment.
- "Disruptive behavior"** means students who intentionally disrupt the school environment by not following expectations or interrupt learning or school activities despite non-verbal and verbal redirection. This can include excessive talking that limits others' ability to learn and behaviors by the student or with other students that are distracting to other persons.
- "Distribution of alcohol or drugs"** means students who are found to be selling or distributing alcohol, drugs, or other substances in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, look alike substances, nonprescription medication, and prescription medications.
- "Dress code violation"** means failure to comply with the school-level dress code. Dressing in a manner that is unsafe or disrupts the learning environment. This includes clothing that promotes drugs, alcohol, or profanity.
- "Exposure"** means students who expose the student's genitals, breasts, or buttocks to another person.
- "Falsely signing and impersonating"** means falsely or fraudulently signing or altering a document or electronic record such as hall pass, early dismissal note, progress report, absence excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others inaccurately via electronic, verbal, or written means.
- "Fighting"** means students who willingly engage in a one-on-one physical altercation. This is a physical altercation in which none of the participants are identified as victims.
- "Harassment"** means students who engage in unwelcome verbal, written, electronic, graphic, or physical conduct relating to another person's actual or perceived sex, gender, age, race, color, national origin, sexual orientation, gender identity expression, pregnancy or related conditions, religion, disability, English language proficiency, socioeconomic status, or physical appearance. The behavior must be considered severe, persistent, or pervasive to be considered harassment. The behavior does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- "Hate speech and conduct"** means verbal or electronic communication or actions directed toward a member or members of a protected class of individuals for the explicit purpose of creating alarm, fear, or causing emotional distress.
- "Inappropriate language and gestures"** means cursing, swearing, or using written or spoken language, gestures, electronic images, photos, or actions, directed towards another person, that are considered sexually explicit, offensive, obscene, or vulgar.
- "Inappropriate touch"** means students who intentionally engage in physical aggression towards a school employee, volunteer, or another student either with the student's own body or with an object and it does not result in physical injury. This includes pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on a school employee or volunteer. The behavior does not have to include intent to harm. This offense should be used for students under the age of 12 who caused a physical injury to a school employee, volunteer, or another student that is not classified as serious.
- "Instigation"** means students incite aggressive or physical conflict between 2 or more students that resulted in a confrontation without directly participating in the confrontation.
- "Leaving school grounds without permission"** means leaving the school building or the school grounds during school hours without required staff permission.
- "Loitering"** means student's unauthorized presence in any school area for an extended period of time or student's failure to leave the school grounds at the time designated.
- "Misuse of technology"** means any use of school technology for unauthorized purposes such as, copying software, inappropriate internet or email usage, unauthorized use of school issued electronic devices, tampering with databases, passwords or configurations, or deletion of files. This also includes the use of school technology equipment in: soliciting, using, or posting on social media; ~~receiving or sending~~ receiving, sending, or the creation of inappropriate images or materials; accessing unauthorized email; the unauthorized downloading or installing of files; or intentionally damaging technology equipment in the school environment.
- "Mutual group fight"** means students who willingly engage in a physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as victims.
- "Other school crime"** means any significant incident resulting in disciplinary action not classified previously but required to be reported under the School Crimes Reporting Law ([14 Del.C. §4112](#)). This may include arson, manslaughter, or violent felonies as defined by [11 Del.C. §4201](#).

- "Physical restraint - no code violation"** means a student was physically restrained by an employee or contractor of a public school district or charter school, private program, or alternative program, but there was no violation of the student code of conduct by the student.
- "Possession or production of pornography"** means students who possess, share, or produce any known pornographic or obscene material in the school environment. This would include a student who distributes photos or videos of another student who did not consent to getting the student's photos taken or shared, or cannot consent to the photos due to the student's age (under age 12).
- "Possession or use of alcohol or drugs"** means students who use or are under the influence of alcohol, drugs, or other substances, or who are found to be in possession of alcohol, drugs, other substances, or drug paraphernalia in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, and look alike substances.
- "Possession or use of dangerous instrument"** means students who possess or use any object, device, or instrument in the school environment classified as a dangerous instrument under [11 Del.C. §222](#). This includes pellet guns, air guns, tasers, mace, or other dangerous instruments.
- "Possession or use of deadly weapons"** means students who possess or use any object, device, or instrument in the school environment classified as a deadly weapon under [11 Del.C. §222](#). This includes a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, or razor. This does not include toys, or ordinary objects including pocket knives with blades less than [§3.75](#) inches. Firearms and bombs are captured under separate offenses.
- "Possession or use of explosive devices"** means students who are found to be in possession or use incendiary devices such as fireworks, firecrackers, pipe bombs, or other explosives in the school environment.
- "Possession or use of firearms"** means students who possess or use any firearm in the school environment. This includes handguns, rifles, shotguns, starter guns, or other firearms identified in [11 Del.C. §222](#), whether loaded or not. BB guns are included per [11 Del.C. §1457](#) and [§1457A](#). This does not include toys, pellet, or air guns; these should be captured under possession or use of dangerous instruments.
- "Possession or use of nonprescription or prescription medications"** means students who use or are under the influence of nonprescription or prescription medications, or who are found to be in possession of nonprescription or prescription medications in the school environment without proper documentation.
- "Possession or use of tobacco or electronic smoking devices"** means students who use or possess any tobacco product or any electronic smoking device in the school environment. This includes products containing tobacco, electronic cigarettes, and any vape device.
- "Rape"** means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent, including when a person is unable to give consent. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of rape.
- "Robbery"** means students who take or attempt to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence, or by putting the victim in fear. A key difference between robbery and theft is that robbery involves a threat or assault.
- "Safety violation"** means students who engage in any behavior that is not appropriate for school and has the potential to put the students or others in danger.
- "Sexual assault"** means any sexual act directed against another person without consent, including when a person is unable to give consent. It includes threatened rape, fondling, indecent liberties, or child molestation. Rape is not included. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of sexual assault. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender.
- "Skipping and leaving class"** means absence from school or class without authorization or permission or leaving the assigned classroom without permission.
- "Tardiness to school and class"** means unexcused lateness to school or class without authorization or permission.
- "Theft (\$1500 or more)"** means students who take school property or the personal property of another person.
- "Theft (less than \$1500)"** means students who take, obtain, or intentionally have possession of school property or the personal property of another person.
- "Threat of physical attack with weapon"** means students who threaten to engage in an act that causes harm and introduces fear in another person, and the threat is made while displaying, brandishing, or discharging a weapon but with no actual physical contact of any person. A threat may or may not be made in person. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon.

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

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

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

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

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 and 31 Delaware Code, Section 309(g) (14

Del.C. §122 & 31 Del.C. §309(g))

14 DE Admin. Code 745

PROPOSED

PUBLIC NOTICE

745 Criminal Background Check for Public School Related Employment

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §122 and 31 Del.C. §309(g), the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 745 Criminal Background Check for Public School Related Employment. 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 to clarify processes related to criminal background checks for covered personnel as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

This regulation was previously published as proposed on January 1, 2026 in the *Register of Regulations*. 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 on January 1, 2026.

Comments from Delaware Association of School Personnel Administrators (DASPA) and Delaware Association of School Administrators (DASA)

Issue: DASPA and DASA shared concerns related to the current cost to obtain a criminal background check. DASPA and DASA shared concerns related to the need for individuals to obtain criminal background checks from each entity for which they are seeking employment, as this could become costly for applicants.

Agency Response: The Department appreciates the comments provided by DASPA and DASA, however the Department does not control the cost of the criminal background checks nor the administration of the criminal background checks. Criminal background checks can be shared based on subsections 4.0, 6.0, and 8.0 of the regulation.

Issue: DASPA and DASA commented that the development of a consortia, as allowed in the regulation, to manage the costs of criminal background checks is not feasible given the administrative complexities of sharing funds between districts and that most districts do not currently subsidize background check fees for employees.

Agency Response: The Department appreciates the comments provided by DASPA and DASA and notes 31 Del. C. §309(c)(5)a. specifically allows school districts and charter schools to enter into consortia to pay for criminal background checks for covered personnel.

Issue: DASPA and DASA provided comments that background checks are now processed online via authenticated login, and districts are hesitant to accept paper forms from individuals.

Agency Response: The Department appreciates the comments provided by DASPA and DASA, however after further review of the regulation, the Department could not find where the regulation suggests that districts or charter schools must accept paper forms from individuals. The regulation does state:

3.3.2 Receive a verification form of processing from the SBI after completing a criminal background check to be shown to the employing contractor or child serving entity as proof that the individual has completed the procedure. The individual should retain the verification form of processing for their records.

This verification form is similar to a receipt and indicates that the individual has completed the criminal background check process.

Issue: DASPA and DASA shared concerns related to the significance of the "45-days of employment" threshold. They questioned if this rule applies to athletic coaches or volunteers and asked the reason for the timeframe for volunteer background checks and does the collection cycle reset at the start of each school year for volunteers, contractors, and part-time staff, or if the 45-day rule is a rolling timeline based on individual start dates.

Agency Response: The Department appreciates the comments and questions provided by DASPA and DASA. Upon further research, the Department has removed the 45 days as well as the 91-day timeline. The Department confirmed with the State Bureau of Identification that criminal background checks for volunteers are only valid for 12 months. Additionally, "covered personnel" is defined within the regulation.

Issue: DASA commented that there is significant concern regarding substitute teachers being classified as "continuously employed" after 45 days. Currently, districts lack a robust system to track the number of days a substitute teacher has worked in other jurisdictions.

Agency Response: The Department appreciates the comment provided by DASA. In response, the Department has removed the 45 days as a requirement for continuously employed and updated the language in Section 4.0 of the regulation.

Issue: DASA commented the regulation mandates that volunteers undergo new background checks every 12-months regardless of continuous service and stated clarity is needed on whether high-frequency volunteers, such as PTO Presidents, must submit to new checks annually. Additionally, DASA noted the regulation fails to differentiate between intermittent and regular volunteers. As written, it implies that any individual interacting with students— even for a few hours as a chaperone—must undergo a full background check.

Agency Response: The Department appreciates the comments provided by DASA. After conferring with the State Bureau of Identification related to criminal background checks for volunteers, volunteers must complete a criminal background check and child protection registry check every 12 months.

Issue: DASA provided comments seeking clarification regarding state school district employees who volunteer or chaperone in a different district where their children are enrolled. DASA stated it is unclear if these individuals must undergo an additional criminal background check for the district where they are acting as a parent rather than an employee.

Agency Response: The Department appreciates the comments provided by DASA. School districts and charter schools can share criminal background checks and criminal history information in accordance with the provisions of subsections 4.0, 6.0, and 8.0. Therefore, a district employee can either obtain a new criminal background check for the school where they wish to volunteer or sign a release agreeing to allow the district employer to release the criminal background check information and subsequent criminal history information. The school for which the employee wishes to volunteer must determine if they will accept the shared criminal background information or require the volunteer to obtain a new criminal background check.

Issue: DASA provided comments stating that this regulation disproportionately impacts low-income families, many of whom cannot afford the recurring annual costs of background checks.

Agency Response: The Department appreciates the comments provided by DASA. The Department notes that the regulation allows school districts and charter schools to pay for the costs of criminal background checks for covered personnel.

Issue: DASPA and DASA shared concerns related to whether all employee criminal offenses will trigger a "wrap-around" notification and if criminal offenses for volunteers and contractors will generate a notification.

Agency Response: The Department appreciates the comments provided by DASPA and DASA. The Department wants to make clear that the criminal background checks and Rap back processes are handled by the State Bureau of Identification (SBI). Questions related to what offenses are included in a criminal background check should be directed to SBI. All covered personnel as defined in this regulation will generate subsequent criminal history information notification.

Issue: DASPA and DASA shared comments related to who will receive wrap around notification if an employee is working in multiple districts.

Agency Response: The Department appreciates the comments provided by DASPA and DASA. As noted in Sections 3.0 and 8.0 of the regulation, original criminal background information will be sent to the 1 original requestor of the criminal background check. If the employee is obtaining multiple criminal background checks using unique Identigo identifiers, each agency will receive an original criminal background check. Section 8.1 further states "Subsequent criminal history on a covered personnel may be sent by SBI to the designated child serving entity and shall be used by the child serving entity in making a determination about the covered personnel's continued suitability for placement in a child serving entity."

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 July 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? 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? 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/june2026/proposed/29 DE Reg 968RFA 06-01-26.pdf](https://regulations.delaware.gov/register/june2026/proposed/29%20DE%20Reg%20968RFA%2006-01-26.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/june2026/proposed/29 DE Reg 968 06-01-26](https://regulations.delaware.gov/register/june2026/proposed/29%20DE%20Reg%20968%2006-01-26)

OFFICE OF THE SECRETARY
DIAA

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)
14 DE Admin. Code 1023

PROPOSED

PUBLIC NOTICE

1023 DIAA Sportsmanship

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §303(f), the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 DE Admin. Code 1023 Sportsmanship in order to ensure documented annual review of the Sportsmanship rule; eliminate claims of lack of awareness; promote proactive compliance rather than reactive discipline; create statewide consistency in sportsmanship education; and strengthen accountability structures within member schools. The proposed amendments include technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns Sportsmanship and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation seeks to establish mandatory annual review and acknowledgment of sportsmanship requirements and therefore should improve or have no effect on the receipt of an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation seeks to establish mandatory annual review and acknowledgment of sportsmanship requirements and therefore should improve or have no effect on student health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed change seeks to establish mandatory annual review and acknowledgment of sportsmanship requirements and therefore should improve or have no effect on students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amendment seeks to establish mandatory annual review and acknowledgment of sportsmanship requirements and therefore should have no effect on the authority and flexibility of decision makers at the local board and school level.

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

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 Del.C. §304).

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation will have no effect on state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

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

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? The amendment is consistent with the current regulation and will have no cost to the state or local school boards.

***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/june2026/proposed/29 DE Reg 971RFA 06-01-26.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/june2026/proposed/29 DE Reg 971 06-01-26>

OFFICE OF THE SECRETARY

DIAA

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

PROPOSED

PUBLIC NOTICE

1044 Recruiting and Undue Influence

A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a new Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes to add 14 DE Admin. Code 1044 Recruiting and Undue Influence in order to outline the conduct deemed to be recruiting and undue influence at the high school and middle school level and set forth potential penalties for recruiting and undue influence. Athletic recruitment is contrary to the purposes and objectives of interscholastic athletics. Prohibiting athletic recruitment helps to keep athletics subordinate to academics; protect student-athletes from those having interests that might not be consistent with the interests of the student-athletes; and maintain competitive equity on a level playing field among member schools.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the proposed regulation help improve student achievement as measured against state achievement standards? The proposed regulation concerns recruiting and undue influence and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the proposed regulation help ensure that all students receive an equitable education? The proposed regulation seeks to prohibit recruiting and undue influence and therefore should improve or have no effect on the receipt of an equitable education.

3. Will the proposed regulation help to ensure all students' health and safety are adequately protected? The proposed regulation seeks to outline recruiting and undue influence requirements and therefore should improve or have no effect on student health and safety.

4. Will the proposed regulation help to ensure that all students' legal rights are respected? The proposed change seeks to prohibit recruiting and undue influence and therefore should improve or have no effect on students' legal rights.
5. Will the proposed regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new regulation seeks to prohibit recruiting and undue influence and therefore should have no effect on the authority and flexibility of decision makers at the local board and school level.
6. Will the proposed regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The proposed regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.
7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 Del.C. §304).
8. Will the proposed regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The proposed regulation will have no effect on state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.
9. Is there a less burdensome method for addressing the purpose of the proposed regulation? There is not a less burdensome method for addressing the purpose of this proposed regulation.
10. What is the cost to the state and to the local school boards of compliance with the proposed regulation? The amendment is consistent with the current regulation and will have no cost to the state or local school boards.

***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/june2026/proposed/29 DE Reg 972RFA 06-01-26.pdf>

1044 Recruiting and Undue Influence

1.0 Content and Purpose

- 1.1 In accordance with 14 Del.C. §303(b), this regulation outlines the conduct deemed to be recruiting and undue influence at the high school and middle school level.
- 1.2 Athletic recruitment is contrary to the purposes and objectives of interscholastic athletics. Prohibiting athletic recruitment helps to:
 - 1.2.1 Keep athletics subordinate to academics;
 - 1.2.2 Protect student-athletes from those having interests that might not be consistent with the interests of the student-athletes; and
 - 1.2.3 Maintain competitive equity on a level playing field among member schools.

2.0 Definitions

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

"Athletic advantage" means any benefit, opportunity, inducement, or circumstance that enhances or appears to enhance a student's athletic participation, performance, or visibility, and that is not equally available to other students.

"Coach" means any certified, emergency, or volunteer coach who is on a member school coaching staff.

"Contact" means an encounter between a coach or school representative and prospective athlete or an athlete's parent or guardian that involves more than a greeting. Contact includes conversations about the athlete's athletic ability, academic qualifications, transferring, or related subjects.

"Recruiting" means the act of influencing a student to enroll in a school or to transfer from 1 school to another in order for the student to participate in interscholastic athletics.

"School representative" means any person who has a special interest in a school or athletic team, including a school administrator, coach, assistant coach, volunteer coach, other school employee or volunteer, student athlete, parent or family member of a student athlete, school alumnus, or booster club member.

"Undue influence" means any act, gesture, or communication, performed personally or through another, that may be objectively seen as an inducement for a student to enroll or transfer to a particular school for athletic purposes.

3.0 Undue Influence

- 3.1 Influencing a student shall include the promise or instilling the expectation of an athletic advantage, playing time, employment of the student or the student's parents or relatives, housing for the student or the student's parents, scholarships or financial aid for which other members of the student body are not generally eligible, making improper contacts or providing any other material or athletic reward for which other members of the student body are not generally eligible.
- 3.2 Examples of undue influence include:
 - 3.2.1 Promise of playing time;
 - 3.2.2 Promise of more exposure to colleges, college coaches, scholarship money, or recruiting opportunities;
 - 3.2.3 Promise of athletic scholarships;
 - 3.2.4 Providing favors or enticements including free hats, tee-shirts, or other apparel;
 - 3.2.5 Promise of academic eligibility or offers of grade changes; or
 - 3.2.6 Offering of monetary or financial support to the athlete or family members.

4.0 High School Recruitment

- 4.1 For the purposes of this Section, a student becomes a high school student on the first day the student attends ninth grade, or the first day the student attends fall sports practice prior to the student's ninth grade year, whichever is earlier, and ends on their last day of eligibility at the high school level.
- 4.2 There shall be no recruitment of high school athletes. No school administrator, booster, athletic coach, volunteer coach, or employee of a high school district shall engage in recruitment either by direct contact with a student or indirectly through parents, legal guardians, common school employees, directors of summer athletic programs, or other persons who are in a position to influence the student's choice of a school.
- 4.3 If school representatives condone or actively engage in recruitment or a school uses a recruited student, the school shall be subject to disciplinary action by the DIAA Board.
- 4.4 A member school will be held responsible for athletic recruitment by anyone associated with the school or acting at the direction of the school, including administration, staff, coaches, students, parents, booster clubs, or any organization having a connection with the school.
- 4.5 If an athlete or parent of an athlete from a different school initiates contact with a coach asking academic or athletic questions about the school, the coach must immediately refer the student or parents to a school administrator, the athletic director, or a school counselor.
- 4.6 Examples of recruiting include:
 - 4.6.1 Providing financial aid or scholarships to a student-athlete on the basis of athletic ability or involvement;
 - 4.6.2 Member schools distributing athletic publications or advertising solely for athletics;
 - 4.6.3 Any individual associated with a school, including team members, attempting to use electronic communication or social media platforms to communicate with a prospective student-athlete about athletics;
 - 4.6.4 Offer or acceptance of a residence with any school connected person;
 - 4.6.5 Offer or acceptance of free or reduced rent for parents;
 - 4.6.6 Offer or acceptance of any privilege not afforded to non-athletes, including NIL deals;
 - 4.6.7 Using non-school teams to influence athletes school choice, including travel teams and club teams; or
 - 4.6.8 Using mail, letters, brochures, news media, or social media for the sole purpose of pointing out the athletic assets of the sending school.
- 4.7 Any evidence that a student has moved to a residence associated with, leased, or provided by anyone associated with the school or acting at the direction of the school, including administration, staff, coaches, students, parents, booster clubs, or any organization having a connection with the school, shall be considered prima facie evidence of recruiting.
- 4.8 If a coach leaves a school to pursue a coaching opportunity at another school, the coach shall refrain from any communication specific to athletics and transferring with any students at the coach's previous school.

5.0 Junior High or Middle School

- 5.1 For the purposes of this Section a student is considered a prospective high school athlete after enrolling in the seventh grade.
- 5.2 A high school coach may not initiate contact with a student at a junior high or middle school, or the parents of that student, about attendance at the school. It is not a violation for a coach to have normal community contact with a student who attends a junior high or middle school of the same system, which is within the feeder to the high school.

- 5.3 If a student at a junior high or middle school, or the parents of that student, contacts a coach about attending the coach's high school, the coach shall refer the student or parent to the appropriate school personnel.
- 5.4 If it is a faculty member's responsibility to recruit students, not just athletes, and that person makes contact irrespective of athletic eligibility, that contact is permitted. However, anything done for an athlete that is not done for all students is considered undue influence.
- 5.5 High school coaches or their representatives may not attend middle school or youth sports games for the sole purpose of evaluating and recruiting specific prospective athletes.
- 5.6 Schools are permitted to make athletic related presentations to middle schools within the high school's feeder pattern.
- 5.7 Examples of middle school recruiting include:
- 5.7.1 Offering free admission to high school contests to a specific player or specific team; or
- 5.7.2 Allowing game day experiences including riding the team bus, access to the locker room, taking part in pre-game activities, standing on the sidelines, or sitting on the bench during the contest.

6.0 Open House, Visits, or Shadowing

- 6.1 The intent of an open house is to allow incoming students to gather information regarding curriculum, programs, and the admissions process. Coaches may provide general information to prospective incoming students but no specific details or enticements as to participation if the student were to enroll.
- 6.2 Students may visit a prospective school's campus for activities that are related to all aspects of the school's educational offerings and not solely for athletic purposes.
- 6.3 All shadowing and campus visits shall be set up with school administration, and not a coach.

7.0 Violations and Penalties for Undue Influence and Recruiting

- 7.1 Evidence of recruiting by a member school may subject the school to a hearing before the DIAA Board. A school or coach that is found to have violated the athletic recruitment rule will be subject to penalties.
- 7.2 The following chart will be used to assist the DIAA Board of Directors in issuing penalties for violations of this regulation.

Infraction Level	Types of Infractions	Penalties
Level 1	Use of general advertising for recruitment of 9-12 grade high school students, including: social media, flyers, advertisements, brochures, or booster or donor sites. There is no student contact involved in level 1.	School must remediate issue immediately by removing, editing, or rescinding advertisement. School or applicable sports team placed on a probationary period for up to 1 year
Level 2 Non District Approved personnel	Repeating a Level 1 offense. OR At the direction of a coach or staff member, recruiting contact or communication with a 9-12 grade student-athlete from another high school by a non-district approved person including: parents, boosters, alumni, former coaches, or recently hired coaches who may have recruited athletes just prior to being approved by the district.	Offender may be banned from all DIAA sporting events for up to 3 years. Head coach of the program will be suspended for ¼ of the season's maximum contests for that sport (scheduled contests if the sport has no max). School or applicable sports team placed on probation for 1 year for first violation; 2 years if a level 1 violation has previously occurred.
Level 3 District approved coaches,	Repeating a Level 2 offense. OR Direct recruiting contact or	Violating program is ineligible to compete in DIAA Championship Tournament for 1 year or removed

PROPOSED REGULATIONS

<u>employees, or administrators</u>	<u>communication with a 9-12 grade student-athlete from another high school by a district approved person including, a coach, administrator, or district employee.</u>	<u>from tournament if in progress.</u> <u>Vacating previously earned championships due to this recruiting violation.</u> <u>Head coach of program will be suspended for 1 year.</u> <u>Any coach involved will be suspended in all sports for 1 year.</u> <u>School or applicable sports team placed on probation for 1 year for first violation; 2 years if a repeat level 2 violation.</u>
<u>Level 4 District approved coaches, employees, or administrators</u>	<u>Repeating a Level 3 offense.</u> OR <u>An egregious violation of direct recruiting of a 9-12 grade student-athlete from another high school by a district approved person. The violation may include: recruitment of multiple student-athletes, or recruitment violations that showed persistent and ongoing recruitment efforts by a district approved coach or employee.</u>	<u>Violating program is ineligible to compete in DIAA Championship Tournament for 2 years (removed from current tournament if in progress plus an additional year).</u> <u>Vacating previously earned championships due to this recruiting violation.</u> <u>Head coach of program will be suspended for 2 years.</u> <u>Any coach involved will be suspended in all sports for 2 years.</u> <u>School (all sports) placed on probation for 2 years.</u>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DELAWARE HEALTH CARE COMMISSION

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

PROPOSED

PUBLIC NOTICE

5002 Delaware Health Resources Management Plan

Pursuant to 16 Del. C. §§ 9301 and 9303, the Department of Health and Social Services, Delaware Health Care Commission, Delaware Health Resources Board, is proposing amendments to the Health Resources Management Plan (HRMP).

The proposed amendments update the HRMP to conform to changes made to 16 Del. C. Chapter 93 by House Bill 17 of the 153rd General Assembly, which amended the Certificate of Public Review program. Language in the HRMP that is no longer consistent with current statutory requirements is removed.

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

NOTICE OF PUBLIC HEARING

A public hearing will be held in hybrid format on Monday, June 29, 2026, at 1:00 p.m. at the Main Administration Building 1st Floor Conference Room (2 CR), located on Herman Holloway Campus, 1901 N. Dupont Highway, New Castle, DE 19720.

Teams Meeting (Virtual):

<https://teams.microsoft.com/meet/262416956465090?p=YPgVMz0P8AEtQ8XAwa>

Dial-In: 1-302-504-8986

Conference ID: 312 836 055#

Public comments will be accepted until 4:30 PM on July 14, 2026. Comments will be accepted in written form via email to DHCC@delaware.gov, or by U.S. mail to the following address:

Latoya Wright

Delaware Health Care Commission Delaware Health Resources Board

Herman M. Holloway Sr. Health and Social Services Campus

1901 N. DuPont Highway, Main Administration Building

New Castle, DE 19720

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

<https://regulations.delaware.gov/register/june2026/proposed/29 DE Reg 977RFA 06-01-26.pdf>

5002 Delaware Health Resources Management Plan

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

[Delaware Health Resources Management Plan](#)

[http://regulations.delaware.gov/AdminCode/title16/Department of Health and Social Services/Delaware Health Care Commission/HRMP.pdf](http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Delaware%20Health%20Care%20Commission/HRMP.pdf)

Delaware Health Resources Management Plan

<https://regulations.delaware.gov/register/June2026/AAD5B444-A457-4003-A17E-0C1411542537>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 14000

PROPOSED

PUBLIC NOTICE

14000 Medicaid General Eligibility Requirements

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 Del. C. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Retro Part 1

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Retro Part 1.

Statutory Authority

- 42 CFR §441.301(c)(2)
- 42 CFR §441.725(b)
- 42 CFR §435.915

Background

Delaware Medicaid previously applied retroactive eligibility principles used for Nursing Facility services to Assisted Living, a Long Term Care Community Services (LTCCS) program. Delaware Medicaid will no longer permit retroactive Medicaid eligibility for Assisted Living services, effective May 1, 2026 and in alignment with Federal regulations.

Additionally, in August 2019, Delaware Medicaid expanded retroactive eligibility to include individuals under age 19. Delaware Medicaid is clarifying policy for the Children's Community Alternative Disability Program (CCADP) to specify that retroactive eligibility is permitted for this program.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend the retroactive eligibility requirements to comply with federal regulations.

Summary of Proposed Changes

Effective August 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding retroactive eligibility.

Public Notice

In accordance with the federal public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2026.

Provider Manuals and Communications Update

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

Fiscal Impact

There is no fiscal impact.

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

<https://regulations.delaware.gov/register/june2026/proposed/29 DE Reg 978RFA 06-01-26.pdf>

14000 Medicaid General Eligibility Requirements

(Break in Continuity of Sections)

14920.1 Retroactive Coverage Limitations

~~Effective January 1, 2024, retroactive medical coverage is potentially available, if general financial and technical eligibility requirements are met, for all Medicaid individuals enrolled under the Diamond State Health Plan (DSHP) and Diamond State Health Plan Plus (DSHP-Plus).~~

~~Individuals eligible under the Delaware Healthy Children's Program (DHCP) are not eligible for retroactive Medicaid.~~

~~Individuals in the following programs are excluded from DSHP and DSHP-Plus, but may be found eligible for retroactive Medicaid coverage, if general financial and technical eligibility requirements are met.~~

- ~~a. — Individuals entitled to the following Medicare Savings Programs~~
 - ~~i. — Specified Low Income Medicare Beneficiaries (SLMB)~~
 - ~~ii. — Qualifying Individuals (QI)~~
 - ~~iii. — Qualified and Disabled Working Individuals (QDWI)~~
- ~~b. — Individuals residing in an intermediate care facility for individuals with intellectual disabilities (ICF/IID) or for individuals with mental disease (ICF/IMD)~~
- ~~c. — Individuals in need of only the 30-Day Acute Care Hospital Program~~
- ~~d. — Individuals eligible under the Breast and Cervical Cancer Treatment Group.~~
- ~~e. — Individuals eligible for emergency, labor, and delivery coverage only.~~
- ~~f. — Incarcerated Medicaid members.~~

~~All other individuals in programs excluded from DSHP and DSHP-Plus are not eligible for retroactive Medicaid Coverage. These include, but may not be limited to, individuals enrolled in the following programs:~~

- ~~a. — The following Medicare Savings Program — Qualified Medicare Beneficiary.~~
- ~~b. — The Chronic Renal Disease Program.~~
- ~~c. — The Delaware Prescription Assistance Program.~~
- ~~d. — The Delaware Cancer Treatment Program.~~

e. — The Part C Program.

f. — The VFC Immunization Program.

Individuals in the following programs are not permitted to receive Retroactive Medicaid coverage

a. Long Term Care Community Services (LTCCS) (See Section 20370 LTC Retroactive Eligibility):

i. Home and Community Based Services (HCBS) for the Elderly and Disabled

ii. Assisted Living

iii. HCBS for individuals with AIDS/HIV

iv. Individuals with Acquired Brain Injury

b. The following Medicare Savings Program

i. Qualified Medicare Beneficiary

c. Program of All Inclusive Care for the Elderly (PACE)

d. The Chronic Renal Disease Program (CRDP)

See 14920.1 Retroactive Coverage Limitations - History

(Break in Continuity of Sections)

14920.6 Retroactive Eligibility For Newborns

A baby born to a woman an individual eligible for and receiving Medicaid on the date of the child's birth is deemed to have filed an application. ~~Also, a~~ A mother can apply after a child is born and ~~we will determine her a~~ determination will be made for the mother's eligibility for 3-month retroactive coverage. If the mother is determined to be retroactively eligible during her pregnancy or post-partum period, the infant is deemed eligible at birth and remains eligible for 1 year. See Section 15210 Deemed Newborn Group

***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/june2026/proposed/29 DE Reg 978 06-01-26>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

16 DE Admin. Code 20000

PROPOSED

PUBLIC NOTICE

20000 Medicaid Long Term Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 Del. C. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Retro Part 2

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Retro Part 2.

Statutory Authority

- 42 CFR §441.301(c)(2)
- 42 CFR §441.725(b)
- 42 CFR §435.915

Background

Delaware Medicaid previously applied retroactive eligibility principles used for Nursing Facility services to Assisted Living, a Long Term Care Community Services (LTCCS) program. Delaware Medicaid will no longer permit retroactive Medicaid eligibility for Assisted Living services, effective May 1, 2026 and in alignment with Federal regulations.

Additionally, in August 2019, Delaware Medicaid expanded retroactive eligibility to include individuals under age 19. Delaware Medicaid is clarifying policy for the Children's Community Alternative Disability Program (CCADP) to specify that retroactive eligibility is permitted for this program.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend the retroactive eligibility requirements to comply with federal regulations.

Summary of Proposed Changes

Effective August 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding retroactive eligibility.

Public Notice

In accordance with the federal public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2026.

Provider Manuals and Communications Update

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

Fiscal Impact

There is no fiscal impact.

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

<https://regulations.delaware.gov/register/june2026/proposed/29 DE Reg 980RFA 06-01-26.pdf>

Division of Social Services

20000 Medicaid Long Term Care

(Break in Continuity of Sections)

20370 LTC Retroactivity

~~Any individual or couple who applied for Medicaid may also be eligible for Medicaid coverage of any unpaid medical bills incurred in any of the three months prior to the month in which they applied. However, certain~~

~~requirements must be met in order for these bills to be paid under Medicaid, and had medical expenses in the month(s) before their application may be considered for retroactive Medicaid, as long as they meet all medical, technical, and financial eligibility rules for each month services were received. See Section 14920.5 Retroactive Eligibility Determination~~

~~Applications for Medicaid, even if denied, qualify for a determination of retroactive eligibility. Applications for Medicaid, including those that are denied for ongoing coverage must still be evaluated for retroactive eligibility.~~

- a) ~~Individual must document that for time period in which bill was incurred, all medical and financial conditions of the Long Term Care Program have been met. Institutional Coverage~~

~~For individuals whose income is between the SSI standard and 250% of the SSI standard, retroactive payment is only possible allowed if the individual has been institutionalized in an institution for 30 consecutive days. The assumption used for the initial nursing facility eligibility determination, that the applicant will remain institutionalized for 30 consecutive days, does not apply for retroactive coverage when it is obvious clear that the 30 day criteria requirement has not been met.~~

- b) ~~Individual must supply documentation of the unpaid bill. In some circumstances, bills may have been paid by someone other than the applicant and they have requested a refund. Documentation of provider reimbursement and unpaid balance must be provided. Acceptable documentation would be a copy of the provider reimbursement check written to someone other than the applicant. Credit to a patient's account is not acceptable. If part of the 30 day consecutive period was hospitalization no documentation of unpaid hospital bills are required.~~

- b.) Developmental Disabilities Services Lifespan Waiver

Individuals applying for Developmental Disabilities Services Lifespan Waiver may be eligible for retroactive Medicaid coverage as described at DSSM 14920-14920.6 See Section 20700.2 Lifespan Waiver Retroactive Eligibility.

- c.) Long Term Care Community Services (LTCCS)

Individuals applying for Long Term Care Community Services (LTCCS) are not permitted to receive retroactive Home and Community Based Services. These individuals must be evaluated for other Medicaid eligibility pathways, if applicable, See Section 20710.1 Long Term Care Community Services - Retroactive Eligibility Prohibited.

(Break in Continuity of Sections)

20700 Home and Community Based Services

Federal Regulation - 42 CFR 435.217

1115 Social Security Act (42 U.S.C. 1315)

Effective April 1, 2012, all Home and Community Based Waiver programs, except for the Division of Developmental Disabilities Services Waiver, are incorporated into Diamond State Health Plan Plus, a managed care program. See section DSSM 14900 for additional information regarding this program.

20700.1 Division of Developmental Disabilities Services Lifespan Waiver

1. Only clients of the Division of Developmental Disabilities Services (DDDS) are eligible for the Lifespan Waiver.
2. Individuals must be medically eligible.

Initial and ongoing medical eligibility is determined by DDDS staff.

3. Individuals must be financially and technically eligible.

If the client is not already Medicaid eligible as an SSI recipient, DDDS submits an application (individuals in residential placements) or referral packet (individuals residing in the family home) to the appropriate DMMA Operations Unit for the financial and technical eligibility determination. The financial and technical eligibility determination is made by using criteria applied to those institutionalized and receiving Long Term Care (LTC) Medicaid.

20700.1.1 Lifespan Waiver Retroactive Eligibility

Retroactive eligibility may be approved for individuals applying for the Developmental Disabilities Lifespan Waiver. Coverage may be provided prospectively while Medicaid eligibility is being determined. The individual assessment and Person-Centered Service Plan (PCSP) are completed by the Division of Developmental Disabilities Services (DDDS).

20700.2 Home And Community Based Waiver For The Elderly And Disabled

Effective April 1, 2012, this waiver program is incorporated into the Diamond State Health Plan Plus and referred to as Long Term Care Community Services. See DSSM 20710.

20700.3 Home and Community Based Waiver for Individuals With AIDS/HIV

Effective April 1, 2012 this waiver program is incorporated into the Diamond State Health Plan Plus and referred to as Long Term Care Community Services. See DSSM 20710.

20700.4 Assisted Living Waiver

Effective April 1, 2012 this waiver program is incorporated into the Diamond State Health Plan Plus and referred to as Long Term Care Community Services. See DSSM 20710.

20700.5 Acquired Brain Injury Medicaid Waiver Program

Effective April 1, 2012 this waiver program is incorporated into the Diamond State Health Plan Plus and referred to as Long Term Care Community Services. See DSSM 20710.

20700.5.1 – 20700.5.8

20700.6 - 20700.6.7 ATTENDANT SERVICES WAIVER PROGRAM

Repealed, Effective February 10, 2009.

20710 Long Term Care Community Services

1 . Individuals must be medically eligible.

The Division of Medicaid & Medical Assistance (DMMA) Pre-Admission Screening (PAS) Unit determines medical eligibility.

The applicant must be in need of nursing facility level of care as defined by DMMA.

See DSSM 20102 for additional information on Medical eligibility.

2 . Individuals must be technically and financially eligible

The DMMA Long Term Care Financial Unit determines eligibility using criteria in DSSM 20103.

3 . Individuals must choose a managed care organization once eligibility has been determined.

20710.1 Long Term Care Community Services - Retroactive Eligibility Prohibited

42 CFR §441.301(c)(2)

42 CFR §441.725(b)

Retroactive Eligibility is not permitted for Long Term Care Community Services (LTCCS) groups.

If an LTCCS applicant requests retroactive eligibility in the month(s) prior to the month of application due to unpaid medical bills, the individual must be evaluated for eligibility under an alternative pathway for the retroactive period.

If the individual is determined eligible under the alternative pathway, enrollment will occur as follows:

The individual will be enrolled in the alternative pathway for the retroactive period; and

The individual will be eligible in the appropriate LTCCS group beginning the month of application.

Coverage may begin only **after** all federal Home and Community Based Services (HCBS) requirements are met, including completion of the required assessment and finalization of a Person-Centered Service Plan (PCSP) with the individual's informed written consent.

The assessment and PCSP must be completed in coordination with the Managed Care Organization (MCO). HCBS may begin in the month of MCO enrollment once all requirements have been completed.

The effective date of LTCCS eligibility does not guarantee the initiation of services. Services may only be provided on or after the effective date of MCO enrollment.

***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/june2026/proposed/29 DE Reg 980 06-01-26](https://regulations.delaware.gov/register/june2026/proposed/29%20DE%20Reg%20980%2006-01-26)

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 25000

PROPOSED

PUBLIC NOTICE

25000 Children's Community Alternative Disability Program (CCADP)

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 Del. C. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Retro Part 3

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Retro Part 3.

Statutory Authority

- 42 CFR §441.301(c)(2)
- 42 CFR §441.725(b)
- 42 CFR §435.915

Background

Delaware Medicaid previously applied retroactive eligibility principles used for Nursing Facility services to Assisted Living, a Long Term Care Community Services (LTCCS) program. Delaware Medicaid will no longer permit retroactive Medicaid eligibility for Assisted Living services, effective May 1, 2026 and in alignment with Federal regulations.

Additionally, in August 2019, Delaware Medicaid expanded retroactive eligibility to include individuals under age 19. Delaware Medicaid is clarifying policy for the Children's Community Alternative Disability Program (CCADP) to specify that retroactive eligibility is permitted for this program.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend the retroactive eligibility requirements to comply with federal regulations.

Summary of Proposed Changes

Effective August 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding retroactive eligibility.

Public Notice

In accordance with the federal public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code,

DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2026.

Provider Manuals and Communications Update

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

Fiscal Impact

There is no fiscal impact.

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

<https://regulations.delaware.gov/register/june2026/proposed/29 DE Reg 984RFA 06-01-26.pdf>

25000 Children's Community Alternative Disability Program (CCADP)

This program was formerly known as the Disabled Children's Program and is based on 42 CFR §435.225.

25050 PURPOSE

The Children's Community Alternative Disability Program (CCADP) is a Delaware Medicaid option that is designed to serve children with significant disabilities. Such children would otherwise qualify to be cared for in an institutional setting. The State desires that this program serve as many children as possible at home or in non-institutional settings as long as it can be done safely, efficiently and economically. The best care for children who would be eligible for this program is with the support and direction of involved parents or guardians. This care will generally result from the active collaboration of DSS, and multidisciplinary providers, and parents or guardians.

In general, any child whose disability profile meets a designated level of care may be eligible for Medicaid without regard to parental income, resources, or other health insurance. Given the State's commitment to promoting children's access to basic health care, any benefit of the doubt concerning program qualification should be resolved in favor of eligibility. To the extent eligibility is jeopardized by safety concerns, DSS will act affirmatively to eliminate or reduce unsafe conditions to an acceptable level through Departmental and community resources. DSS recognizes its responsibility to make a referral to a protective agency if conditions so warrant.

25100 ELIGIBILITY

Medicaid eligibility is available to children who meet ALL of the following 7 criteria established by Federal regulation (42 CFR §435.225):

- 1 . The child must be 18 years of age or younger (under age 19).
- 2 . The child's countable resources do not exceed the SSI limit for a single individual described in DSSM §20300.
- 3 . The child's countable income does not exceed 250% of the SSI benefit level.
- 4 . The child's profile is consistent with the level of care of a hospital, Skilled Nursing Facility (SNF), Intermediate Care Facility (ICF), Intermediate Care Facility for Mental Retardation (ICF/MR), or Intermediate Care Facility Institution for Mental Disease (ICF/IMD).
- 5 . The child must meet Supplemental Security Income (SSI) medical disability standards codified at 42 U.S.C. § 1382c(a) (presumptively met if child with chronic condition qualifies for SNF, ICF, ICF/MR, or ICF/IMD level of care).
- 6 . It is appropriate to provide a comparable level of care in an alternative setting (e.g. natural family home).
- 7 . The estimated Medicaid cost of care in the alternative setting is no higher than the estimated cost of the comparable facility-based level of care.

25100.1 Continuous Eligibility

(42 CFR 435.926)

Effective January 1, 2024, all children under the age of 19 who are enrolled in Medicaid under any eligibility program, including the Children's Community Alternative Disability Program (CCADP) shall have 12 months of continuous eligibility, regardless of change in circumstances, with limited exceptions.

Refer to DSSM 14810 Continuous Eligibility for additional information.

27 DE Reg. 680 (03/01/24)

25100.2 CCADP Retroactive Eligibility

Individuals applying for Children's Community Alternative Disability Program (CCADP) may be found eligible for retroactive eligibility as described at DSSM 14920-14920.6.

25110 Managed Care Enrollment Requirements

Individuals who are found eligible must enroll with a managed care organization. The Health Benefits Manager (enrollment broker) will be responsible for the enrollment process.

15 DE Reg. 1716 (06/01/12)

25150 APPROVAL DURATION AND ANNUAL REDETERMINATION

Approval of an initial application is generally effective for a period not to exceed 1 year.

Redetermination of eligibility is expected to occur on an annual basis. Redetermination shall include a reassessment of whether the child meets all seven eligibility criteria (DSSM 25100). If a child manifests a chronic profile, the Division may utilize abbreviated reassessment process and rely on previous medical or functional evaluations that remain clinically valid.

Exception: The resource test will be waived at annual renewal. If the case worker receives asset information after a renewal has been completed, the receipt of new information will be treated as a change in circumstances. See Section 14820.1 How Changes in Circumstances affect Continuous Eligibility.

29 DE Reg. 610 (01/01/26)

25200 CAREGIVER QUALIFICATIONS

The primary person in charge of the care of a child, usually a family member or a designated health care professional meeting the following qualifications:

The individual must be willing to accept the responsibility of the care of the child.

The individual must be trained and/or display competence in the medical skill required by the child.

25250 GENERAL LEVEL OF CARE FACTORS

1. The assessment of whether a child's profile is consistent with a qualifying level of care is influenced by multiple considerations. Material criteria include the following mental, physical, familial, and environmental factors:

- a. Chronological and developmental age of child;
- b. Nature and severity of disease or medical condition(s);
- c. Symptomatology or functional limitations attributable to disease or medical condition (s);
- d. Stability of disease process or medical condition(s);
- e. Physical environment;
- f. Availability and profile of primary caregiver(s);
- g. Potential for harm, regression, or developmental delay in absence of services;
- h. Extent of assistance necessary for child to engage in activities of daily living ("ADLs")
- i. Extent of monitoring or supervision necessary to minimize potential for harm due to mental or physical health risks (e.g. suicide; elopement; self injurious behaviors; seizure); and
- j. Extent to which professional or specialized personnel (e.g. nurse; therapist) are necessary to provide monitoring, assistance, or services.

2. Since some debilitating diseases and medical conditions (quadriplegia; profound mental retardation) are highly correlated with a qualifying level of care, the Division may adopt presumptive eligibility guidelines to expedite processing of such applications.

25300 SPECIFIC LEVEL OF CARE STANDARDS**25300.1 DEFINITION OF INSTITUTIONAL SETTING**

An institutional setting is a residential placement that provides room board and health related services, which are supervised by a licensed practitioner. The setting has the necessary professional personnel, equipment and facilities to meet the health and functional needs of the child on a continuing or repetitive basis and is authorized under State law to provide such care.

25300.2 DEFINITION OF HOSPITAL LEVEL OF CARE

A hospital is an institutional setting that provides medical, nursing and allied health care for acute or chronic illnesses. Such a setting includes at least daily physician intervention and the availability of around the clock professional nursing care. A hospital may provide general medical care or specialized care (e.g. psychiatric or rehabilitative).

25300.3 DEFINITION OF SKILLED NURSING FACILITY LEVEL OF CARE

Skilled nursing facility (SNF) is an institutional setting, which provides skilled nursing or rehabilitation, services for mental or physical conditions. Such a setting includes availability of around the clock professional nursing observation, assessment or intervention.

25300.4 DEFINITION OF INTERMEDIATE NURSING FACILITY LEVEL OF CARE

Intermediate care nursing facility (ICF) is an institutional setting in which nursing and allied health care and support services are provided. Such services are supervised by but not necessarily given by a licensed nurse.

25300.5 DEFINITION OF ICF/IMD LEVEL OF CARE

An intermediate care facility for mental disease (ICF/IMD) is a residential setting which offers comprehensive clinical and support services to persons with significant behavioral health disorders. Children who qualify for an ICF/IMD level of care exhibit a severe, complex, or chronic behavioral health disorder. Such disorder must compromise age-appropriate functioning in multiple areas and require frequent or intensive medical or behavioral interventions (e.g. drug therapy; professional counseling; behavior management techniques). Subject to full consideration of factors itemized in Section DSSM 25250), the presence of the following disability-related personal characteristics supports qualifications under an ICF/IMD level of care:

- a. Impaired judgment or insight
- b. Disorientation to time, place, or person
- c. Memory impairment
- d. Perceptual or thinking disturbance
- e. Lack of self-regulation or impulse control
- f. Diminished capacity to focus, concentrate, or maintain attention
- g. Propensity to engage in verbal or physical aggression towards others
- h. Marked changes in mood or affect
- i. Marked withdrawal, isolation, or depression
- j. Sleep disturbance
- k. Appetite disturbance with change in weight
- l. Marked difficulty in maintaining interpersonal relationships
- m. Propensity to elope

25300.6 DEFINITION OF ICF/MR LEVEL OF CARE

An intermediate care facility for the mentally retarded (ICF/MR) is a residential setting which offers comprehensive habilitative and support services to persons with mental retardation or related conditions. Children who qualify for an ICF/MR level of care exhibit significant deficits in age-appropriate functioning in multiple domains. As a consequence, they require frequent assistance or supervision to competently or safely engage in activities of daily living (ADLs). Subject to full consideration of factors itemized in Section DSSM 25200, the presence of adaptive behavior deficits in the following contexts supports qualification under an ICF/MR level of care:

- a. Self care skills
- b. Domestic skills
- c. Community skills
- d. Self direction
- e. Social interaction
- f. Safety awareness
- g. Receptive and expressive communication
- h. Basic learning
- i. Co-occurrence of physical or behavioral health disorder
- j. Co-occurrence of alcohol or substance addiction or misuse

25400 APPROPRIATENESS OF COMMUNITY-BASED SETTING

Program eligibility is contingent upon a finding that non-institutional care is appropriate and services are available (DSSM 25100). The community-based setting must meet the child's needs safely and effectively to be appropriate. To fulfill this requirement, the Division will assess both the physical and social environment within the community-based setting. Given the State's strong preference for non-institutional care of children, denial of eligibility based on environmental deficits is disfavored. If eligibility is jeopardized by

environmental deficits, the division will affirmatively attempt to eliminate or reduce such deficits to an acceptable level through Departmental and community resources.

25500 DETERMINING MEDICAL PLAN OF CARE AND COSTS

During the application and redetermination process, medical and social information is gathered from several sources including the primary caregivers, primary care practitioners, specialists and other health care providers, the schools, Child Development Watch (Part C) and/or other relevant sources. A listing of the services needed or currently being provided is recorded indicating whether there are ongoing costs (such as daily home health aides or 1-time costs (durable medical equipment). The cost for each are estimated as closely as possible and, to the extent possible, costs paid or defrayed by other insurance or other means of payment insurance settlement, donations, etc.) are deducted from the cost cap. Since Medicaid is generally payor of last resort [with exception of Individual with Disabilities Education Act (IDEA) services], the assessor may contact other potential payment sources to determine potential coverage especially when it appears the child might exceed the cost cap. Once the medical costs are computed the entire packet of assessment information is reviewed by the medial review team for the cost comparison and final eligibility determination.

25600 COST EFFECTIVENESS CALCULATION

A determination of cost effectiveness for the Children's Community Alternative Disability's Program must be made using the following procedures.

25625 CALCULATION

A calculation is made of the total actual or projected cost of all significant, recurring medical services (home health aides & nurses, private duty nursing, Prescribed Pediatric Extended Care, supplies, equipment and therapies).

25650 ANNUALIZED COSTS CALCULATION

The annualized costs of any significant recurring DME (e.g. specialized wheelchair or lift not included in facility per diem rate) is added to the calculation in DSSM 25625.

25675 OTHER COSTS

All other costs, such as physician services, pharmaceuticals, lab tests, x-rays, etc. are not part of medical facility costs, so will not be considered in the cost effectiveness determination except in cases where acute hospitalization is the appropriate comparable level of care.

25700 COST DOES NOT EXCEED COMPARABLE MEDICAL FACILITY CARE

The calculated cost in DSSM 25600 must not exceed 100% of comparable medical facility care. Comparable rates to be used are defined in the following subsections.

- A. If the child is determined to meet the hospital LOC, the anticipated home services costs will be compared to the current fiscal year inpatient hospital rate of the Al DuPont Hospital for Children or alternate facility rate as determined by the Medicaid Director.
- B. If a child is determined to meet the skilled LOC, the anticipated home services costs will be compared to the current averaged rate of participating Delaware nursing facilities that are caring for children under 18. A higher comparative rate based on the current averaged rate for children placed in subacute pediatric facilities may be applied for children determined "superskilled" by the DSS Medical Operation Administrator.
- C. If a child is determined to meet ICF/MR/DD LOC, the anticipated home service costs will be compared to the current Stockley Center ICF/MR/DD rate or alternate facility rate as determined by the Medicaid Director.
- D. If a child is determined to meet the ICF/IMD LOC, the anticipated home costs would be compared to the current Terry Center rate or alternate facility rate as determined by the Medicaid Director.
- E. If a child is determined to meet an ICF LOC the anticipated home services costs will be compared to the current averaged rate of participating Delaware nursing facilities that are caring for children under 18 years of age.

25800 COST EFFECTIVENESS EXCEEDS COST OF INSTITUTIONAL CARE

When the cost effectiveness analysis shows that the cost of care in the home will exceed the cost of comparable institutional care, the parent or guardian will be offered a choice of the following options.

- A. The use of less costly alternatives (such as privately contracting with LPNs or RNs for private duty nursing at a lower cost than can be obtained through an agency, purchasing refurbished, used equipment, etc.), or
- B. The use of fewer units of service with assurances from parent/guardian that the remainder of medically necessary services will be provided by or paid for by other means, or
- C. The admission to an appropriate medical facility, or
- D. The withdrawal of the application for this program.

DIVISION OF SOCIAL SERVICES

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

PROPOSED

PUBLIC NOTICE

9000 Food Stamp Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) to amend data matching requirements.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Data Matching Requirements

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) to amend data matching requirements.

Statutory Authority

7 CFR 272.13

Background

The U.S. Department of Agriculture, Food and Nutrition Service requires states administering the Supplemental Nutrition Assistance Program (SNAP) to conduct data matching to establish and verify initial and ongoing eligibility.

This amendment adds a data matching section to the Division of Social Services Manual for food benefits and incorporates policy requirements for prisoner data matching. The Division of Social Services will establish a system to identify and prevent individuals who are incarcerated in any federal, state, or local detention or correctional institution for more than 30 days from being included in a SNAP household.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend data matching requirements.

Summary of Proposed Changes

Effective for services provided on and after August 11, 2026, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) to amend data matching requirements.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2026.

Fiscal Impact

There is no anticipated fiscal impact.

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

<https://regulations.delaware.gov/register/june2026/proposed/29 DE Reg 989RFA 06-01-26.pdf>

PROPOSED REGULATIONS

9000 Food Stamp Program

(Break in Continuity of Sections)

9096 Data Matching Requirements

9096.1 Requiring Prisoner Data Matching for Food Benefits

Statutory Authority: 7 CFR 272.13

The State is required to match all adult household members against the Social Security Administration's Prisoner Update Processing System (PUPS) at application and renewal for food benefits.

Staff will follow the current procedures to complete the prisoner data match requirements in this policy.

1. Individuals held in a federal, state, or local detention or correctional facility for more than 30 days are ineligible for food benefits.

2. Staff must complete the prisoner data match in the eligibility system at application and renewal before confirming eligibility for food benefits.

A. Staff must run the prisoner data match to compare household members aged 18 and older to the results from PUPS.

B. Staff must not run the prisoner data match for:

i. Household members under age 18; or

ii. One-person households that complete a face-to-face interview.

3. If there is a prisoner match for a household member, staff must complete the following steps:

A. Verify the accuracy of the data match results to determine whether the household member is or is not currently incarcerated.

i. Staff may use the following verification methods to confirm the household member is incarcerated:

a. Self-declaration from another member of the food benefit household;

b. Documentation of the household member's incarceration status;

c. A collateral contact with the facility or someone outside the household who can confirm the household member's incarceration status; or

d. Confirmation from the Audit and Recovery Management Services (ARMS) of the household member's incarceration status.

ii. Staff may use the following verification methods to confirm the household member is no longer incarcerated or was never incarcerated:

a. Face-to-face or telephone contact with the household member who had a prisoner match after the household member's identity is verified;

b. Documentation of the household member's release from incarceration that includes the release date;

c. Documentation of the household member's current employment, living arrangements, or other information that proves the household member is not incarcerated;

d. A collateral contact with the facility or someone outside the household who can confirm the household member's release date; or

e. Confirmation from the Audit and Recovery Management Services (ARMS) of the household member's release date.

B. Send the household the notice of match results from the eligibility system, which explains what information is needed for the household and the consequences of failing to respond to the notice.

i. The notice is not required if the household member is verified as not incarcerated.

C. Give the household at least 10 days to respond to the notice before taking any adverse action to deny, close, or reduce benefits.

D. Take the appropriate action on the food benefit case after the notice response deadline.

i. If the household member is verified as incarcerated for more than 30 days, update the case to make the incarcerated household member ineligible for food benefits.

ii. If the household member is verified as incarcerated for 30 days or less, no adverse action should be taken on the case.

iii. If the household member is verified as not incarcerated, no adverse action should be taken on the case.

- iv. If the household does not respond to the notice of match results or responds but refuses to provide the requested information, update the case to make the incarcerated household member ineligible for food benefits.
 - E. Process an overpayment for food benefits when:
 - i. The household member is verified as incarcerated for more than 30 days; and
 - ii. Benefits were issued for the household member while they were incarcerated.
 - F. Enter a case comment in the eligibility system that the prisoner match was completed and the details about the match results, verification, notification to the household, changes in eligibility or benefit level, and overpayment, if applicable.
 - G. Save verification documents, the notice of match results, and the overpayment referral to the case record, if applicable.
- 4. If there is no prisoner match for the household members, staff must enter a case comment in the eligibility system that the prisoner match was completed for all adult household members.
- 5. If the State receives an alert of a prisoner match for a household member during the certification period, staff will complete the steps in (3) of this policy within 30 days of the alert.

***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/june2026/proposed/29 DE Reg 989 06-01-26>

DEPARTMENT OF STATE

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 republished the proposed amendments to the Regulation in the February 2026 *Delaware Register of Regulations*. After reviewing further public comments, the Commission made substantive changes to the proposed amendments and must republish the proposed amendments to the Regulation and hold another public comment period and public hearing.

You can review the proposed Regulation in the June 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 July 15, 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 hearing, written comments must be submitted on or before July 8, 2026. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until July 30, 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/june2026/proposed/29 DE Reg 991RFA 06-01-26.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/june2026/proposed/29 DE Reg 991 06-01-26>

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF EDUCATION

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1216A(a)(1) (14 Del.C. §§1203, 1204(a), 1205(b) & 1216A(a)(1))

FINAL

ORDER

1526 Contractor Permit

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1204(a), 1205(b) and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 **DE Admin. Code** 1526 Contractor Permit. The proposed regulation concerns the requirements for a Contractor Permit in accordance with 14 Del.C. §§1203, 1204(a), 1205(b) and 1216A(a)(1). Proposed Section 1.0 states that the regulation outlines the qualification and training for the Contractor Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 explains those individuals required to have a Contractor Permit; Section 4.0 provides the prescribed requirements for the issuance of a Contractor Permit; Section 5.0 provides the application requirements; Section 6.0 concerns the validity of a Contractor Permit; Section 7.0 concerns disciplinary actions; Section 8.0 concerns applicants' and permit holders' contact information with the Department and specifies how they can change their name or address; and Section 9.0 lists the effective date of the regulation.

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

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

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

III. FINDINGS OF FACTS

On April 1, 2026, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1526 Contractor Permit for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed regulation is necessary to implement 14 **Del.C.** Ch. 12 and is designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to adopt 14 **DE Admin. Code** 1526 Contractor Permit.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to adopt 14 **DE Admin. Code** 1526 Contractor Permit subject to the State Board of Education's approval. On April 16, 2026, the State Board of Education approved adopting 14 **DE Admin. Code** 1526 Contractor Permit. Therefore, pursuant to 14 **Del.C.** §§1203, 1204(a), 1205(b), and 1216A(a)(1), 14 **DE Admin. Code** 1526 Contractor Permit is hereby adopted.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1526 Contractor Permit adopted hereby shall be cited as 14 **DE Admin. Code** 1526 Contractor Permit in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 16th day of April, 2026.

Department of Education
Cynthia Marten, Secretary of Education

Approved this 16th day of April, 2026.
State Board of Education

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

(Absent)
Deborah Stevens, Vice President

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

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

/s/ Michele Marinucci
Michele Marinucci

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

Vacant

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

1526 Contractor Permit**1.0 Content**

This regulation provides the qualifications and training required for an individual to be issued a Contractor Permit pursuant to [14 Del.C. §1216A\(a\)\(1\)](#).

2.0 Definitions

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

“Contractor” means a person who is not otherwise licensed or permitted under [14 Del.C. §§1210](#), 1211, 1212, 1216A, or Title 24 and who is employed or self-employed for compensation and contracts with a school district or charter school in Delaware to provide direct services to students.

“Department” means the Delaware Department of Education.

“Direct services” means services to students provided face-to-face, in person or virtual, and which are performed primarily unsupervised.

“Permit” means a document issued by the Delaware Department of Education that verifies an individual’s qualifications and training to serve as a contractor in a Delaware public school.

3.0 Individuals Required to Have a Contractor Permit

3.1 Individuals are required to have a Contractor Permit if they:

3.1.1 Have the opportunity to have personal, unsupervised contact with students during the course of one’s assigned duties; and

3.1.2 Are working in a public school in Delaware for compensation; and

3.1.3 Are not otherwise licensed or permitted under [14 Del.C. §§1210](#), 1211, 1212, 1216A, or Title 24; and

3.1.4 Are employed by a contracting agency to provide direct services to students.

3.2 Substitute teachers who work for a contracting agency will not be issued a Contractor Permit but may be required to obtain a Long-Term Substitute Permit.

3.3 It would be considered misconduct for an individual with a Contractor Permit to duplicate the work requiring a license under [14 Del.C. §§1210](#), 1211, 1212, or under Title 24.

4.0 Requirements for Issuance of a Contractor Permit

4.1 The Department will not process an application for a Contractor Permit:

4.1.1 Until the applicant has submitted all the required documentation. If the applicant fails to submit all the required documentation within 90 days of the initial submission, the Department may close the application, taking no further action.

4.1.2 If the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications.

4.2 The Department may issue a Contractor Permit to an applicant who:

4.2.1 Provides proof of at least 10 hours of current employer-provided training in working with children or youth completed in the areas of academic or behavioral intervention relating to the area of work.

4.2.2 Has not engaged in conduct in violation of [14 Del.C. §1218\(a\)](#) or (b).

5.0 Application Requirements

5.1 Applicants for an initial Contractor Permit are required to provide the following for the Department to consider the Contractor Permit complete:

5.1.1 A completed initial application; and

5.1.2 Verification of identity; and

5.1.3 Disclosure of the applicant’s criminal conviction history; and

5.1.4 Documentation of completion of training as provided in subsection 4.2.1 of this regulation; and

5.1.5 Documentation that the applicant is employed by a contracting agency or self-employed as a contractor; and

5.1.6 Additional documentation as required by the Department.

5.2 Applicants for the re-issuance of a Contractor Permit are required to provide the following for the Department to consider the Contractor Permit complete:

5.2.1 A completed application; and

5.2.2 Disclosure of the applicant’s criminal conviction history; and

5.2.3 Verification of continued employment with the same agency.

- 5.3 Applicants who change employment to a different agency must complete an initial application as provided in subsection 5.1.

6.0 Validity of a Contractor Permit

- 6.1 For an applicant who applied for and met the requirements of the Contractor Permit, the Contractor Permit shall be issued for up to 1 school year and will expire on August 31, and may be re-issued for additional 1-year periods, if:
- 6.1.1 The individual remains employed with the same contracting agency and provides proof of 10 hours of contracted work in a Delaware public school within the previous year.
- 6.1.2 The individual changes employment to a different contracting agency and provides proof of at least 10 hours of current employer provided training as provided in subsection 4.2.1 of this regulation.
- 6.1.3 The individual has had a lapse of at least 1 year in the permit and provides proof of at least 10 hours of current employer provided training as provided in subsection 4.2.1 of this regulation.

7.0 Disciplinary Action

- 7.1 A Contractor Permit may be revoked, suspended or limited for cause as provided in [14 Del.C. §1218](#).
- 7.2 A permit holder whose Contractor Permit is noticed for disciplinary action is entitled to a full and fair hearing before the Professional Standards Board. Hearings shall be conducted in accordance with [14 DE Admin. Code §1515](#) Hearing Procedures and Rules.

8.0 Contact Information and Change of Name or Address

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

9.0 Effective Date

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

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b) and 1216A(a)(1) (14 **Del.C.** §§1203, 1024(a), 1205(b) and 1216A(a)(1))

FINAL

ORDER

1527 Student Support Personnel Permit

Pursuant to [14 Del.C. §§1203, 1204\(a\), 1205\(b\)](#) and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 **DE Admin. Code** 1527 Student Support Personnel Permit. The proposed regulation concerns the requirements for a Student Support Personnel Permit in accordance with [14 Del.C. §§1203, 1204\(a\), 1205\(b\)](#) and 1216A(a)(1). Proposed Section 1.0 states that the regulation outlines the qualification and training for the Student Support Personnel Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 explains those individuals required to have a Student Support Personnel Permit; Section 4.0 provides the prescribed requirements for the issuance of a Student Support Personnel Permit; Section 5.0 provides the prescribed requirements for the reissuance of an expired Student Support Personnel Permit; Section 6.0 provides the application requirements; Section 7.0 provides the professional development requirements for the renewal of a Student Support Personnel Permit; Section 8.0 provides the required activities for the renewal of a Student Support Personnel Permit; Section 9.0 concerns the validity of a Student Support Personnel Permit; Section 10.0 concerns disciplinary actions; and Section 11.0 concerns applicants' and permit holders'

contact information with the Department and specifies how they can change their name or address. The final regulation includes one non-substantive change from the proposed regulation in the title of Section 3.0 to correct a typographical error.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2026. The Professional Standards Board received 3 written submittals concerning the proposed regulation. Colbi Custis commented that she is against as this regulation could unintentionally allow districts to rely on non-licensed personnel in roles traditionally held by certified staff and may create risks related to special education compliance and liability, and that regulation should be revised to require licensed educator supervision and ensure these roles supplement – not replace – certified teachers. Susanna Eaton-Ryan, Chairperson, State Council for Persons with Disabilities (SCPD) commented that the organization supports this regulation as it will help with addressing school staffing shortfalls and will be an additional opportunity for workforce development on the job. However, SCPD inquires as to what type of data collection or program assessment the Department plans to do to measure the success of student support personnel professionals in supporting student success. William H. Doolittle, Chairperson, Governor's Advisory Council for Exceptional Citizens (GACEC) commented that the organization supports the new regulation as it will help with addressing school staffing shortfalls and will be an additional opportunity for workforce development on the job. GACEC would like information on the type of data collection or program assessment the Department plans to use to measure the success of student support personnel professionals in supporting student success.

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

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

III. FINDINGS OF FACTS

On April 1, 2026, the Professional Standards Board deliberated on the public comment. The board agreed with the comments that the regulation will allow for professional growth pathways. It also deliberated on the request to specify that those with a Student Support Personnel Permit be supervised by a licensed professional. The board found subsection 3.3 prohibits individuals who hold a Student Support Personnel Permit from serving in roles that require a licensed professional and that supervisors would be licensed professionals as is currently required by law. The board determined not to make any changes as a result of written submittals and voted to propose 14 **DE Admin. Code** 1527 Student Support Personnel Permit for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed regulation is necessary to implement 14 **Del.C.** Ch. 12 and is designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to adopt 14 **DE Admin. Code** 1527 Student Support Personnel Permit.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to adopt 14 **DE Admin. Code** 1527 Student Support Personnel Permit subject to the State Board of Education's approval. On April 16, 2026, the State Board of Education approved adopting 14 **DE Admin. Code** 1527 Student Support Personnel Permit. Therefore, pursuant to [14 Del.C. §§1203, 1204\(a\), 1205\(b\), and 1216A\(a\)\(1\)](#), 14 **DE Admin. Code** 1527 Student Support Personnel Permit is hereby adopted.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1527 Student Support Personnel Permit adopted hereby shall be cited as 14 **DE Admin. Code** 1527 Student Support Personnel Permit in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 16th day of April, 2026.

Department of Education
Cynthia Marten, Secretary of Education

FINAL REGULATIONS

Approved this 16th day of April, 2026.

State Board of Education

/s/ Jonathan V. Sheehan

Jonathan V. Sheehan, President

(Absent)

Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.

Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Michele Marinucci

Michele Marinucci

/s/ James L. Simmons, III

James L. Simmons, III

Vacant

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

1527 Student Support Personnel Permit

(Break in Continuity of Sections)

3.0 Individuals ~~Required~~ Required to Have a Student Support Personnel Permit

- 3.1 Individuals are required to have a Student Support Personnel Permit if they:
 - 3.1.1 Have the opportunity to have personal, unsupervised contact with students during the course of one's assigned duties; and
 - 3.1.2 Are employed by a public school in Delaware or employed by another agency and working in a public school in Delaware; and
 - 3.1.3 Are not otherwise licensed or permitted under [14 Del.C. §§1210, 1211, 1212, 1216A](#), or under Title 24 as provided in [14 Del.C. §1202](#); and
 - 3.1.4 Work with individuals or small groups to provide academic, behavior, or other support to students and families.
- 3.2 Student support personnel may include behavior or academic intervention personnel, school climate liaisons, behavior or family support coordinators, student advisors, college and career advisors, visiting teachers and other similar roles.
- 3.3 It would be considered misconduct for an individual with a Student Support Personnel Permit to duplicate the work requiring a license under [14 Del.C. §§1210, 1211, 1212](#), or under Title 24 as provided in [14 Del.C. §1202](#).

*Please note that no additional changes were made to the regulation as originally proposed and published in the March 2026 issue of the *Register* at page 750 (29 DE Reg. 750). 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/june2026/final/29 DE Reg 996 06-01-26>

DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS

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

FINAL

ORDER

1328 Rules Regulating Deductions from Wages for Wage Payment and Collection

SUMMARY OF EVIDENCE

1. Title 19, Section 1114 of the Delaware Code authorizes the Department of Labor (“Department”) to establish, amend and repeal regulations necessary for the internal administration of the Department and for the proper conduct of any necessary hearings before the Department or its agents and in relation to the administration and enforcement of the Wage Payment and Collection Act (the “Act”) and the Division of Industrial Affairs (the “Division”).
2. The Department’s purpose in proposing the regulations was to clarify the types of activity which fall under the wage payment statute, modify investigative procedures, provide the scope of the circumstances under which the Department shall hold administrative hearings, and the conduct of those hearings themselves. The Division will administer the Act in accordance with these regulations.
3. Notice of the proposed regulation was published in the April 1, 2026 edition of the Delaware Register of Regulations.
4. The Department invited a period of 30 days until May 1, 2026, for written comments from the public.

FINDINGS OF FACT AND CONCLUSION

1. The public was given notice and an opportunity to provide the Department with comments in writing to the Department.
2. The Department did not receive any comments concerning the proposed amendments.
3. The Department has the authority to promulgate rules and regulations clarifying specific statutory sections of its statute pursuant to [19 Del.C. §1114](#).
4. The Department reviewed the proposed regulations as required by [29 Del.C. §10118\(b\)\(3\)](#) and has determined that any assessment of the impact of the proposed regulation on the State’s resilience to climate change is not practical for this regulation.

DECISION AND ORDER

- 1, For the forgoing reasons, the Department adopts the final regulation for publication. The effective date of this Order shall be 10 days from the date this Order is published in the Delaware Register of Regulations.

IT IS SO ORDERED this 7th day of May, 2026.

Department of Labor
LaKresha Moultrie, Secretary of Labor

***Please note that no changes were made to the regulation as originally proposed and published in the April 2026 issue of the *Register* at page 845 (29 DE Reg. 845). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/june2026/final/29 DE Reg 999 06-01-26>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF FISH AND WILDLIFE**

Statutory Authority: 7 Delaware Code Section 903(e)(2)a.1 (7 **Del.C.** §903(e)(2)a.1)
7 **DE Admin. Code** 3502-3507

FINAL**ORDER**

3502-3507 Bass (Striped Bass; Black Sea Bass)

Secretary's Order No.: 2026-F-0005

RE: Approving Final Regulation, pursuant to 7 Del.C. §903(e)(2)a.1, to Amend 7 DE Admin. Code 3507: Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas

Date of Issuance: April 12, 2026

Effective Date of the Amendment: 48 hours following publication of this Secretary's Order and regulation on the Department's website: <https://de.gov/dnrecorders>

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to [7 Del.C. §903\(e\)\(2\)a.1](#), and all other relevant statutory authority, the following findings of fact based on the reasons and conclusions are entered as an order of the Secretary in the above-referenced regulatory amendment.

Notwithstanding 29 **Del.C.** Ch. 101 (which sets forth the standardized procedures whereby a state agency shall promulgate regulations), the Department also has the statutory authority under [7 Del.C. §903\(e\)\(2\)a.1](#) to promulgate certain regulations in order to adopt a specified management measure for finfish, subject to 7 **Del.C.** Ch. 9, Finfishing in Tidal Waters, by the issuance of a Secretary's Order. The Department is allowed to follow this abbreviated regulatory promulgation process only in instances where the management measures are specified by, and ensures compliance or maintains consistency with, a fisheries management plan or rule established by the Atlantic States Marine Fisheries Commission ("ASMFC"), the *Atlantic Coastal Fisheries Cooperative Management Act*, the Mid-Atlantic Fishery Management Council ("Council"), or the National Marine Fisheries Service.

Whenever the Department promulgates a regulation pursuant to [7 Del.C. §903\(e\)\(2\)a.1](#), it shall also (1) publish on its website a public notice with a copy of the Secretary's Order and final regulation that implements the specific management measure; and (2) file the Secretary's Order and regulation that implements the specified management measure in the next available issue of the Delaware Register of Regulations. The final regulation becomes effective 48 hours after the Department has published the aforementioned public notice on its website, as mandated by [7 Del.C. §903\(e\)\(2\)a.2](#).

Background, Procedural History and Findings of Fact

This order amends 7 DE Admin. Code 3507: *Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas* to liberalize Black Sea Bass recreational fishery regulations by adopting specified management measures approved by the ASMFC's Summer Flounder, Scup, and Black Sea Bass Board ("Board") at its March 5, 2026, meeting. Specifically, this amendment extends the recreational open season by moving opening day from May 15 to May 1, eliminates the 9-day in-season closure, and reduces the legal minimum size from 13 inches to 12.5 inches. This order is necessary to keep Delaware compliant with the ASMFC Addendum XXXIV to the *Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan: Harvest Control Rule for Recreational Management of Summer Flounder, Scup, Black Sea Bass, and Bluefish*.

The "Council" and the Board met jointly on August 12, 2025, to set the 2026 and 2027 Black Sea Bass specifications. During that meeting, the Council and Board reviewed the 2025 management track assessment, which found that Black Sea Bass was not overfished, and overfishing was not occurring in 2024. The spawning stock biomass was estimated to be about 2.84 times the biomass target. The Council and Board approved an Acceptable Biological Catch of 21.34 million pounds for both 2026 and 2027, which resulted in a Recreational Harvest Limit (RHL) of 8.14 million pounds, representing a 30% increase over the 2025 RHL. This increase in the RHL led the Council and Board to approve liberalizing recreational regulations for the entire management unit by 20% for 2026 and 2027. The Southern Black Sea Bass Management Region of the management unit, which includes Delaware, was limited by the Board to 16.5%

liberalization at its February 4, 2026 meeting. At the March 5, 2026 meeting, the Board agreed that the proposed management measures in this action for 2026 and 2027 will keep the region's liberalization below that level.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendments to 7 DE Admin. Code 3507: Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas pursuant to **7 Del.C. §§901 (c & d) and 903(e)(2)a.1**. This specific management measure is required by the Board's action taken on March 5, 2026.

ORDER

In accordance with **7 Del.C. §903(e)(2)a.1**, it is hereby ordered, this 12th day of April, 2026 that the above referenced amendments to 7 DE Admin. Code 3507: *Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas*, a copy of which is hereby attached, are supported by the evidence contained herein and are hereby adopted. The above referenced amendment shall take effect 48 hours following publication of this Secretary's Order and regulation on the Department's website in accordance with **7 Del.C. §903(e)(2)a.2**.

Gregory Patterson
Secretary

3502-3507 Bass (Striped Bass; Black Sea Bass)

(Break in Continuity of Sections)

3507 Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas

(Penalty Section **7 Del.C. §936(b)(2)**)

- 1.0 It shall be unlawful for any commercial person to have in possession any black sea bass (*Centropristis striata*) that measures less than 11 inches, total length excluding any caudal filament.
- 2.0 It shall be unlawful for any recreational person to have in possession any black sea bass that measures less than 43 12.5 inches total length excluding any caudal filament.
- 3.0 It shall be unlawful for any commercial fisherman to land, to sell, trade and or barter any black sea bass in Delaware unless authorized by a black sea bass landing permit issued by the Department. The black sea bass landing permit shall be presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred to an eligible transferee as defined in **7 Del.C. §2903**, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel.
- 4.0 The black sea bass pot fishery and the black sea bass commercial hook and line fishery shall be considered separate black sea bass fisheries. The total pounds allocated to each fishery by the Department shall be as follows: 96 percent of the State's commercial quota, as determined by the Atlantic States Marine Fisheries Commission, for the pot fishery; 4 percent for the commercial hook and line fishery.
- 5.0 The Department may only issue a black sea bass landing permit for the pot fishery to a person who is the owner of a vessel permitted by the National Marine Fisheries Service in accordance with 50 CFR §§ 648.4 pertaining to black sea bass and was either issued a black sea bass landing permit by the Department in 2013 or was the transferee of black sea bass landing permit issued by the Department as per 3507 (3.0). The number of black sea bass landings permits issued by the Department for the pot fishery in any year will not exceed 6.
- 6.0 The Department may only issue a black sea bass landing permit for the commercial hook and line fishery to a person who has applied for and secured from the Department a commercial food fishing license and a fishing equipment permit for hook and line and was either issued a black sea bass landing permit by the Department in 2013 or was the transferee of black sea bass landing permit issued by the Department as per 3507 (3.0). The number of black sea bass landings permits issued by the Department for the commercial hook and line fishery in any year will not exceed 13.
- 7.0 Any overage of the State's commercial quota will be subtracted by the Atlantic States Marine Fisheries Commission from the next year's commercial quota.
Any overage of an individual's allocation will be subtracted from that individual's allocation the next year and distributed to those individuals in the appropriate fishery that did not exceed their quota.
- 8.0 Each participant in a black sea bass fishery shall be assigned an equal share of the total pounds of black sea bass allotted by the Department for that particular fishery. A share shall be determined by dividing the number of pre-registered participants in 1 of the 2 recognized fisheries into the total pounds of black sea bass allotted to the fishery by the Department. In order to pre-register an individual must indicate their intent in writing to participate in this fishery.

- 9.0 Individual shares of the pot fishery quota may be transferred to another participant in the pot fishery. Any transfer of black sea bass individual pot quota shall be limited by the following conditions:
- 9.1 A maximum of 1 transfer per year per person.
- 9.2 No transfer of shares of the black sea bass pot fishery quota shall be authorized unless such transfer is documented on a form provided by the Department and approved by the Secretary in advance of the actual transfer.
- 10.0 Individual shares of the commercial hook and line fishery quota may be transferred to another participant in the commercial hook and line fishery. Any transfer of black sea bass individual commercial hook and line quota shall be limited by the following conditions:
- 10.1 A maximum of 1 transfer per year per person.
- 10.2 No transfer of shares of the black sea bass commercial hook and line quota shall be authorized unless such transfer is documented on a form provided by the Department and approved by the Secretary in advance of the transfer.
- 11.0 Each commercial food fisherman participating in a black sea bass fishery shall report to the Department, via the interactive voice phone reporting system operated by the Department, each days landings in pounds at least 1 hour after packing out their harvest.
- 12.0 It shall be unlawful for any recreational fisherman to take and reduce to possession or to land any black sea bass beginning at 12:01 a.m. January 1, and ending midnight May 14 and beginning at 12:01 a.m. October 1 and ending midnight October 9 April 30.
- 12.1 It shall be unlawful for any recreational fisherman to have in possession more than 15 black sea bass at or between the place where said black sea bass were caught and said recreational fisherman's personal abode or temporary or transient place of lodging during the period of May 15 through September 30 and October 10 through December 31.

***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/june2026/final/29 DE Reg 1000 06-01-26>

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 903 (7 Del.C. §903)

FINAL

ORDER

3560 Total Length

Secretary's Order No: 2026-FW-0008

RE: Approving Final New Regulation 7 DE Admin. Code 3560 – Total Length

Date of Issuance: April 27, 2026

Effective Date: June 11, 2026

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

Background, Procedural History and Findings of Fact

This Order relates to the proposed new regulation 7 DE Admin. Code 3560 – *Total Length* ("Regulation"). The Department proposes the new Regulation that will enable the Department to consistently interpret and enforce fish minimum and maximum size limits by establishing a clear, standardized definition of total fish length across all applicable tidal finfish regulations.

The Department currently utilizes "total length" to establish minimum and/or maximum size limits for ten tidal finfish species pursuant to 7 DE Admin. Code 3500 – *Tidal Finfish*, as well as applicable statutory provisions. However, "total length" is not formally defined within these regulations or statutes, creating the potential for inconsistency in application of measurement standards, enforcement, and interpretation among anglers and stakeholders.

In October 2025, the Atlantic States Marine Fisheries Commission approved Addendum III to Amendment 7 of the *Atlantic Striped Bass Fisheries Management Plan*. This action is applicable to all states within the Striped Bass Management Unit and includes a standardized definition of “total length” that establishes the points at which measurement of a striped bass begins and ends. As Delaware is a part of the that management unit, the Department is required to implement this definition to remain in compliance with the Commission’s management plan. While this requirement is specific to striped bass, the Department has determined that adopting a uniform definition as a standalone regulation, applicable to all tidal finfish species, is appropriate. This approach promotes regulatory consistency, enhances enforceability, and provides clarity to the regulated community on how to measure the total length of fish regulated under 7 DE Admin. Code 3500 – *Tidal Finfish*.

The Department has the statutory basis and legal authority to act with regard to the formal promulgation of the proposed Regulation, pursuant to 7 Del.C. §903. The Division of Fish and Wildlife was responsible for the drafting and overall promulgation of the proposed new Regulation, as such, also developed the record with the relevant documents in the Department’s exhibits. The proposed Regulation was published in the March 1, 2026, edition of the *Delaware Register of Regulations*. A public hearing was held on March 25, 2026, in accordance with Delaware law, and no members of the public attended. The hearing record (“Record”) remained open for an additional fifteen (15) days to receive written public comment, closing on April 10, 2026. No comments were received during the formal promulgation.

It should be noted that all notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Following the close of the Record, as noted above, the Hearing Officer prepared her Hearing Officer’s Report dated April 24, 2026 (“Report”), which expressly incorporated the Department’s proposed Regulation into the Record generated in this matter. The Report documents the proper completion of the required regulatory process, establishes the Record, and recommends the adoption of the proposed new Regulation as attached to the Report as Appendix “A.”

Reasons and Conclusions

Based on the Record developed by the Department’s experts in the Division of Fish and Wildlife, and established by the Hearing Officer’s Report, I find that the proposed new Regulation, 7 DE Admin. 3560 – *Total Length*, are well supported. I further find that the Department’s experts fully developed the record to support adoption of the new Regulation. Therefore, the recommendations of the Hearing Officer are hereby adopted, and I direct that the proposed Regulation be promulgated as final.

The following reasons and conclusions are entered:

1. The Department has the statutory basis and legal authority to act with regard to this proposed regulatory promulgation, pursuant to 7 Del.C. §903;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 Del.C. Chapter 60, to issue an Order adopting the proposed new Regulation as final;
3. The Department provided adequate public notice of the proposed new Regulation and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the same, including at the time of the public hearing held on March 25, 2026, and during the 15 days subsequent to the hearing (through April 10, 2026), before making any final decision;
4. Promulgation of the proposed new regulation, 7 DE Admin. 3560 – *Total Length*, will enable the Department to consistently interpret and enforce fish minimum and maximum size limits by establishing a clear, standardized definition of total fish length across all applicable tidal finfish regulations;
5. The Department has reviewed the proposed new Regulation in light of the Regulatory Flexibility Act, consistent with 29 Del.C. Ch. 104, and has selected Exemption “B1,” as this regulation is not substantially likely to impose additional cost or burdens upon individuals and/or small businesses;
6. The Department has reviewed this proposed regulatory promulgation in the light of 7 Del.C. §10003 and 29 Del.C. §10118(b)(3) and has determined that any impact of this regulation on the achievement of the State of Delaware’s greenhouse gas emissions reduction targets will be *de minimis*;
7. The Department’s proposed new Regulation, as published in the March 1, 2026, *Delaware Register of Regulations*, as set forth in Appendix “A” hereto, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they should be approved as a final Regulation, which shall go into effect ten days after their publication in the next available issue of the *Delaware Register of Regulations*; and
8. The Department shall submit the proposed new Regulation as a final new Regulation to the *Delaware Register of Regulations* for publication in its next available issue and provide such other notice as the law and regulation require, and the Department determines is appropriate.

Gregory Patterson
Secretary

Ahear\ Code 3560 – Total Length.New Regulation.2026.ORD

3560 Total Length

1.0 Total Length

Unless otherwise defined in 3500 Tidal Finfish, Total Length (TL) means the greatest straight-line length in inches as measured on a fish from the anterior most tip of the jaw or snout to the farthest extremity of the tail with the upper and lower fork of the tail squeezed together.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

OFFICE OF THE MARIJUANA COMMISSIONER

Statutory Authority: 4 Delaware Code, Section 1331 (4 **Del.C.** §1331)

4 **DE Admin. Code** 5001

FINAL

ORDER

5001 Rules of the Office of the Marijuana Commissioner

SUMMARY OF THE EVIDENCE

1. Title 4, Section 1331 of the Delaware Code authorizes the Office of Marijuana Commissioner (“OMC”) to establish regulations necessary to implement Chapter 13.
2. OMC published its proposed revisions to 4 DE Admin. Code 5001 in the *Delaware Register of Regulations* on April 1, 2026, in [29 DE Reg. 846 \(04/01/26\)](#). A written comment period was held open for thirty days, through May 1, 2026.
3. OMC’s purpose in revising the regulation is to: change Section 8.3 Marijuana product package size, and Section 9.3 Edible marijuana product and marijuana beverage packaging and labeling requirements, to align with industry standards; and change Section 6.7 Marijuana cultivation facility general requirements to clarify the types of products that a cultivation facility is permitted to sell.
4. OMC 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 revised regulation, this is OMC’s Decision and Order adopting the proposed revised regulation set forth herein and with the rest of the rules as published remaining unchanged.

FINDINGS OF FACT AND CONCLUSIONS

OMC’s proposed changes to the regulation are intended to update the packaging and labeling requirements to align with industry standards and to clarify the types of products a cultivation facility is permitted to sell. OMC did not receive any public comments on its proposed changes; thus, OMC finds that it is appropriate to adopt the proposed changes as published.

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 8th day of May, 2026, it is hereby ordered that:

1. The proposed regulation revisions to Sections 6.7, 8.3, and 9.3 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.

Office of the Marijuana Commissioner
Joshua Sanderlin, Commissioner

***Please note that no changes were made to the regulation as originally proposed and published in the April 2026 issue of the *Register* at page 846 (29 DE Reg. 846). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/june2026/final/29 DE Reg 1004 06-01-26>

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

FINAL

ORDER

101 Regulations Governing Bingo

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on February 25, 2026, at a scheduled meeting of the Delaware Board of Charitable Gaming ("Board") to receive comments regarding proposed amendments to the Board's regulation. Specifically, the Board proposes to amend Section 6.0 to further clarify that after event reports must be filed electronically and Section 7.0 to render the regulation consistent with the Board's enabling statute pertaining to licensee discipline. Additional technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual* have also been made. Lastly, Section 8.0 has been stricken.

These amendments were published in the Delaware *Register of Regulations*, Volume 29, Issue 8, on February 1, 2026, giving notice of a February 25, 2026 public hearing at 10:00 a.m. Notice of the hearing was also published in the *News Journal* (Board Exhibit 1) and the *Delaware State News* (Board Exhibit 2). Pursuant to 29 Del.C. § 10118(a), the date to receive final written comments was March 12, 2026, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on March 25, 2026.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.

Board Exhibit 2: *Delaware State News* Affidavit of Publication.

At the public hearing on February 25, 2026, no public comment was received.

No written comments were submitted.

Findings of Fact and Conclusions

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

FINAL REGULATIONS

Pursuant to 28 **Del.C.** § 1508(a)(2), the Board has the statutory authority to promulgate rules and regulations in accordance with the procedures specified in the Administrative Procedures Act. The Board finds reason to amend its regulation as proposed.

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

Decision and Effective Date

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

IT IS SO ORDERED this 5th day of May 2026.

Delaware Board of Charitable Gaming

/s/ Ellen Magee

Ellen Magee, Public Member, Chairperson

/s/ Lynn Newlin

Lynn Newlin, Non-Profit Member, Vice Chairperson

/s/ William Jester

William Jester, Delaware Volunteer Firefighter's Association Member

/s/ Linda Velott

Linda Velott, State Lottery Office Member

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

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 679 (29 DE Reg. 679). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/june2026/final/29 DE Reg 1005 06-01-26>

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

FINAL

ORDER

102 Regulations Governing Raffles

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on February 25, 2026, at a scheduled meeting of the Delaware Board of Charitable Gaming ("Board") to receive comments regarding proposed amendments to the Board's regulation. Specifically, the Board proposes to amend Section 6.0 to further clarify application requirements, Section 7.0 to further clarify that after event reports must be filed electronically, and Section 8.0 to render the regulation consistent with the Board's enabling statute pertaining to licensee discipline. Additional technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual* have also been made. Lastly, Section 9.0 has been stricken.

These amendments were published in the Delaware *Register of Regulations*, Volume 29, Issue 8, on February 1, 2026, giving notice of a February 25, 2026 public hearing at 10:00 a.m. Notice of the hearing was also published in the *News Journal* (Board Exhibit 1) and the *Delaware State News* (Board Exhibit 2). Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was March 12, 2026, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on March 25, 2026.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.

Board Exhibit 2: *Delaware State News* Affidavit of Publication.

At the public hearing on February 25, 2026, no public comment was received.

No written comments were submitted.

Findings of Fact and Conclusions

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

Pursuant to 28 **Del.C.** § 1508(a)(2), the Board has the statutory authority to promulgate rules and regulations in accordance with the procedures specified in the Administrative Procedures Act. The Board finds reason to amend its regulation as proposed.

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

Decision and Effective Date

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

IT IS SO ORDERED this 12th day of May 2026.

Delaware Board of Charitable Gaming

/s/ Ellen Magee

Ellen Magee, Public Member, Chairperson

/s/ Lynn Newlin

Lynn Newlin, Non-Profit Member, Vice Chairperson

/s/ William Jester

William Jester, Delaware Volunteer Firefighter's Association Member

/s/ Linda Velott

Linda Velott, State Lottery Office Member

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

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 680 (29 DE Reg. 680). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/june2026/final/29 DE Reg 1006 06-01-26>

FINAL REGULATIONS

DIVISION OF PROFESSIONAL REGULATION Board of Landscape Architecture

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

FINAL

ORDER

200 Board of Landscape Architecture

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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

Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2026, Volume 29, Issue 10. The Board received no written comments.

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

The Board has reviewed the proposed regulation as required by 29 **Del.C.** § 10118(b)(3) and has determined that if promulgated, the regulation would have a neutral or positive impact on the State's resiliency to climate change because compliance with the regulation would not reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT

On May 14, 2026, the Board considered the proposed regulation. In the absence of any written comment, the Board determined to adopt the regulation as proposed.

DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend [24 DE Admin. Code 200](#) as published on April 1, 2026. Therefore, pursuant to 24 **Del.C.** § 205(a)(1), the amendments to [24 DE Admin. Code 200](#), attached hereto as Exhibit A, are hereby adopted.

EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED this 14th day of May 2026.

/s/ Chad Carter

Chad Carter, Professional Member
President

/s/ Tim Metzner

Tim Metzner, Professional Member

/s/ Adriene Davis

Adriene Davis, Public Member
Secretary

/s/ Adrian Gurzau

Adrian Gurzau, Public Member
Treasurer

***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 April 2026 issue of the *Register* at page 849 (29 DE Reg. 849). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/june2026/final/29 DE Reg 1008 06-01-26>

GENERAL NOTICES

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

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

GENERAL NOTICE

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 - Kensington Subdivision

May 11, 2026

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

Ms. Smallwood,

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

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

§4505. Traffic control devices.

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

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

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

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

Thank you,
Peter Haag
Chief of Traffic Engineering

DIVISION OF TRANSPORTATION SOLUTIONS

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

GENERAL NOTICE

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 - Todd Estates - Newark

May 4, 2026

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

Ms. Smallwood,

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

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

§4505. Traffic control devices.

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

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

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

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

Thank you,
Peter Haag
Chief of Traffic Engineering

CALENDAR OF EVENTS/HEARING NOTICES

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

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DELAWARE HEALTH CARE COMMISSION PUBLIC NOTICE 5002 Delaware Health Resources Management Plan

Pursuant to 16 Del. C. §§ 9301 and 9303, the Department of Health and Social Services, Delaware Health Care Commission, Delaware Health Resources Board, is proposing amendments to the Health Resources Management Plan (HRMP).

The proposed amendments update the HRMP to conform to changes made to 16 Del. C. Chapter 93 by House Bill 17 of the 153rd General Assembly, which amended the Certificate of Public Review program. Language in the HRMP that is no longer consistent with current statutory requirements is removed.

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

NOTICE OF PUBLIC HEARING

A public hearing will be held in hybrid format on Monday, June 29, 2026, at 1:00 p.m. at the Main Administration Building 1st Floor Conference Room (2 CR), located on Herman Holloway Campus, 1901 N. Dupont Highway, New Castle, DE 19720.

Teams Meeting (Virtual):

<https://teams.microsoft.com/meet/262416956465090?p=YPgVMz0P8AEtQ8XAwa>

Dial-In: 1-302-504-8986

Conference ID: 312 836 055#

Public comments will be accepted until 4:30 PM on July 14, 2026. Comments will be accepted in written form via email to DHCC@delaware.gov, or by U.S. mail to the following address:

Latoya Wright
Delaware Health Care Commission Delaware Health Resources Board
Herman M. Holloway Sr. Health and Social Services Campus
1901 N. DuPont Highway, Main Administration Building
New Castle, DE 19720

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 14000 Medicaid General Eligibility Requirements

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 Del. C. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Retro Part 1

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 20000 Medicaid Long Term Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 Del. C. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Retro Part 2

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 25000 Children's Community Alternative Disability Program (CCADP)

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of 31 Del. C. §512, Delaware Health and Social Services ("Department") / Division of Medicaid

CALENDAR OF EVENTS/HEARING NOTICES

and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to amend the retroactive eligibility requirements to comply with federal regulations.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Retro Part 3

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

PUBLIC NOTICE

9000 Food Stamp Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) to amend data matching requirements.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2026. Please identify in the subject line: Data Matching Requirements

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

DEPARTMENT OF STATE

PUBLIC SERVICE COMMISSION

PUBLIC NOTICE

3001 Rules for Certification and Regulation of Electric Suppliers

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 republished the proposed amendments to the Regulation in the February 2026 *Delaware Register of Regulations*. After reviewing further public comments, the Commission made substantive changes to the proposed amendments and must republish the proposed amendments to the Regulation and hold another public comment period and public hearing.

You can review the proposed Regulation in the June 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

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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 July 15, 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 hearing, written comments must be submitted on or before July 8, 2026. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until July 30, 2026.

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