
Delaware Register of Regulations

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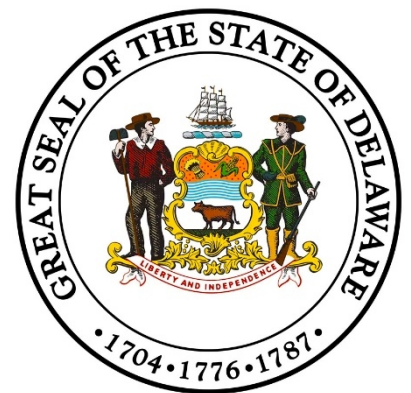
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before September 15, 2025.

Cover Photo
Wyoming, Delaware

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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

proposal, notice of the time, date, place, and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulations-making proceedings.

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended, or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A narrative addressing the potential impact of the regulation on the State's greenhouse gas emissions reduction targets or a statement that the regulation does not; (4) A decision to adopt, amend, or repeal a regulation or to take no action and the decision is supported by its findings on the evidence and information received; (5) The exact text and citation of the regulation adopted, amended, or repealed; (6) The effective date of the order; (7) Any other findings or conclusions required by the law under which the agency has the authority to act; and (8) The signature of at least a quorum of the agency members.

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

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

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

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

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

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
November 1	October 15	4:30 p.m.
December 1	November 17	4:30 p.m.
January 1	December 15	4:30 p.m.
February 1	January 15	4:30 p.m.
March 1	February 16	4:30 p.m.
April 1	March 16	4:30 p.m.

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

Published by

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**DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
Industrial Accident Board**

Statutory Authority: 19 Delaware Code, Sections 105 and 2301A (19 **Del.C.** §§105 & 2301A)
19 **DE Admin. Code** 1331

ERRATA

1331 Industrial Accident Board Regulations

* **Please Note:** The Department of Labor proposed regulation for 1331 Industrial Accident Board Regulations was published in the July 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 24 (07/01/25)). The following provisions were inadvertently published incorrectly.

Subsections 11.2 and 11.3 were published as:

- 11.2 The request shall set forth the items to be inspected or produced either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner for compliance . When an inspection concerns a scar, limp, or other petitioned for disfigurement element, the inspection shall take place at a reasonable physical location decided by the claimant and at a time agreed upon by the claimant and employer.
- 11.3 The party upon whom the request is served shall serve a written response within 15 days after the service of the request. The response shall state, with respect to each item or category, that the production ~~and/or~~ or inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to a part of an item or category, the objected part shall be specified. The party submitting the request may move for an order from the Board compelling discovery with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

Subsections 11.2 and 11.3 should have read:

- 11.2 The request shall set forth the items to be inspected or produced either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner for compliance ~~with the request.~~ When an inspection concerns a scar, limp, or other petitioned for disfigurement element, the inspection shall take place at a reasonable physical location decided by the claimant and at a time agreed upon by the claimant and employer.
- 11.3 The party upon whom the request is served shall serve a written response within 15 ~~day~~ days after the service of the request. The response shall state, with respect to each item or category, that the production ~~and/or~~ or inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to a part of an item or category, the objected part shall be specified. The party submitting the request may move for an order from the Board compelling discovery with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

This regulation is corrected and being published as a final regulation in the October 2025 *Register*.

Symbol Key

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

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 (14 **Del.C.** §122)14 **DE Admin. Code** 225**PROPOSED****PUBLIC NOTICE****225 Prohibition of Discrimination****A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 225 Prohibition of Discrimination. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

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

C. IMPACT CRITERIA

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

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

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 250RFA 10-01-25.pdf>

225 Prohibition of Discrimination

1.0 Prohibition of Discrimination

No person in the State of Delaware shall on the basis of race, color, religion, national origin, sex, sexual orientation, genetic information, marital status, disability, age, or Vietnam Era veteran's status, or any other basis protected under Chapter 45 of Title 6 of the Delaware Code be unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving approval or financial assistance from or through the Delaware Department of Education.

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

251 Family Educational Rights and Privacy Act (FERPA)

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. § 4111, the Delaware Department of Education ("Department") developed amendments to [14 DE Admin. Code 251](#) Family Educational Rights and Privacy Act. The Department 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 did not make substantive changes to the regulations but did amend to comply with the Delaware Administrative Code Drafting and Style Manual.

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

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 251RFA 10-01-25.pdf>

251 Family Educational Rights and Privacy Act (FERPA)

1.0 Authority and Incorporation of Federal Regulations

The Department of Education ("Department") is authorized by [14 Del.C. §4111](#), to adopt rules and regulations regarding the educational records of students in public and private schools in Delaware. This regulation is intended to govern access to, the confidentiality of, and the amendment of educational records in a manner consistent with the Family Educational Rights and Privacy Act ("FERPA") or FERPA, 20 U.S.C. 1232g, and its implementing regulations at 34 CFR part 99, and the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq. and its implementing regulations.

2.0 Use and Adoption of FERPA by School Districts, Charter Schools, and Private Schools

- 2.1 Each school district, charter school, and private school shall develop, adopt, and maintain a written policy regarding the educational records of its students.
- 2.2 The policy must comply with FERPA and its implementing regulations and include at minimum:
 - 2.2.1 The point of contact for the district on FERPA requests;
 - 2.2.2 Who can access and review the educational records;
 - 2.2.3 What educational records may be reviewed;
 - 2.2.4 What documentation must a requestor provide to review educational records. This policy shall address access to such records, the confidentiality of such records, and the method by which the records may be amended. The policy shall comply with FERPA and its implementing regulations.
- 2.22.3 Each school district, charter school, and private school shall periodically review and revise its policy on educational records to ensure continued compliance with FERPA.
- 2.32.4 Nothing in this regulation shall preclude a school district, charter school, or private school from adopting additional policies regarding educational records so long as those regulations are consistent with FERPA. Nothing in this regulation shall alter a school district's or a charter school's duties regarding educational records of children with disabilities pursuant to the Individuals with Disabilities Education Act.

3.0 State Adoption of FERPA

- 3.1 Except as otherwise provided, the Department of Education adopts the federal regulation implementing FERPA (34 CFR part 99), including any subsequent amendment or revision to that regulation, to the extent the Department maintains educational records on students in attendance in Delaware schools.
- 3.2 Notwithstanding subsection 3.1, and except as noted ~~herein~~ in this regulation, the Department shall not be required to annually notify parents or eligible students of their rights under FERPA or this regulation. School districts, charter schools, and private schools shall continue to be responsible for ~~such~~ this notification. The

Department may also disclose directory information from the educational records it maintains without prior public notification.

~~3.2.13.3~~ The Department shall annually notify parents or eligible students of their rights under FERPA or this regulation where ~~said the~~ student is in the Delaware Department of Correction system and receiving educational services through the Department's Prison Education Program.

~~3.33.4~~ Notwithstanding subsection 3.1, and except as noted ~~herein~~ in this regulation, the Department shall not be required to provide a hearing to a parent or eligible student seeking to amend their educational records as provided in Subpart C of the FERPA regulation.

~~3.3.13.5~~ The Department shall provide a hearing to a parent or eligible student seeking to amend their educational records as provided in Subpart C of the FERPA regulation where ~~said the~~ student is in the Delaware Department of Correction system and receiving educational services through the Department's Prison Education Program.

4.0 — ~~Federal Complaints and Investigations~~

~~The U.S. Department of Education's Office of the Chief Privacy Officer ("OCPO") provides leadership, oversight, and coordination to ensure Departmental compliance with government initiatives regarding the acquisition, release and maintenance of information. OCPO oversees the administration of FERPA. The Student Privacy Policy Office ("SPPO") leads U.S. Department of Education efforts to protect student privacy by providing leadership, oversight, and coordination to ensure Department and field compliance with several Federal privacy laws and regulations, most notably FERPA. Parents and students who need assistance may contact the SPPO through the website below or via mail or phone:~~

~~Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, S.W.,
Washington, D.C. 20202-5920
<https://studentprivacy.ed.gov>~~

~~Phone: 1-800-USA-LEARN~~

~~Families of students attending schools to which federal education funding has not been made available may also find SPPO's interpretations and policy letters useful in understanding their rights under the policies required by this regulation.~~

~~Nonregulatory note: 14 DE Admin. Code 927 Children with Disabilities Subpart F, Monitoring, Enforcement and Confidentiality of Information addresses this subject for students with disabilities further.~~

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

410 Satellite School Agreements

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §2005, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 716 Maintenance of School District and Charter School Personnel Records. 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 definitions, charter school application approval process and school district application process sections of the regulation as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

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

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 253RFA 10-01-25.pdf>

410 Satellite School Agreements

1.0 Purpose

The purpose of this regulation is to outline the process for the establishment of a satellite school as allowable in [14 Del.C. §2005](#).

2.0 Definitions

"**Charter school**" means a school established pursuant to Chapter 5 of Title 14 of the **Delaware Code**.

"**Charter school satellite school agreement**" means the contract between a charter school and the private sector or governmental employer for the operation of a satellite school. ~~The agreement form shall be in a format established and approved by the Department. The contract shall, at a minimum, be consistent with the provisions of 14 Del.C. Chapter 5 and 14 Del.C. §2005. A charter school authorized by a local school district shall only establish a satellite school arrangement within the authorizer's school district boundaries.~~

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

"**Local school district satellite school agreement**" means the contract between the local school district and the private sector or governmental employer for the operation of a satellite school ~~that has been approved by the local school district board of education. The local school district shall be responsible for the development of the agreement form. A local school district shall only establish a satellite school arrangement within the school district's boundaries.~~school.

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

"**Satellite school**" means a public school that operates in physical facilities leased from, donated by or located on property that is owned or leased by a private sector or governmental employer which is not the school district or charter school operating the satellite school.

3.0 Charter School Application for Approval Process

- 3.1 ~~A Charter School seeking approval for the operation of a Satellite School shall make the application to the Office of the Secretary, Department of Education. The Charter School shall provide to the Office of the Secretary a copy of the proposed Charter School Satellite School Agreement and any additional information required pursuant to this regulation. An application for the establishment of a Satellite School by a Charter School shall be considered a major modification of the existing charter and shall follow the procedures as outlined in 14 DE Admin. Code 275, Section 9.0. Provided further, the Charter School shall, at a minimum, meet the following requirements:~~A charter school authorized by a local school district may only establish a satellite school within the authorizing school district's boundaries. Charter schools authorized by the Department may establish a satellite school anywhere in the state.
 - ~~3.1.1 The Satellite School shall be subject to the same health and safety codes and building codes, in accordance with the local code enforcement entity, as required by other public school facilities; and~~3.1.2 The enrollment preferences shall be consistent with 14 Del.C. §506(b) and with any additional considerations as prescribed in 14 Del.C. §2005(c).
 - 3.2 Upon receipt of the documentation in subsection 3.1 of this regulation, the Department shall cause a review of the plans or inspection of the proposed facilities to be conducted by appropriate Department staff to determine the adequacy of the facilities for the intended educational purpose.An application for the establishment of a satellite school by a charter school shall be considered a major modification of the existing charter and shall follow the procedures as outlined in 14 DE Admin. Code 275 Section 9.0. Provided further, the charter school shall, at a minimum, meet the following requirements:
 - 3.2.1 The satellite school shall be subject to the same health and safety codes and building codes, in accordance with the local code enforcement entity, as required by other public school facilities; and
 - 3.2.2 The enrollment preferences shall be consistent with 14 Del.C. §506(b) and with any additional considerations as prescribed in 14 Del.C. §2005(c).
- 3.3 Approval by the Department shall require the assent of both the Secretary of Education and the State Board of Education. The decision shall be considered final and not subject to appeal.

4.0 School District Application for Approval Process

- 4.1 A local school district shall only establish a satellite school arrangement within the school district's boundaries.
- 4.2 ~~A Local School District~~local school district seeking approval for the operation of a Satellite Schools~~satellite school shall make the application apply to the Office of the Secretary, Delaware Department of Education. The Local School District shall provide to the Office of the Secretary~~The application shall contain a copy of the Local School District Satellite School Agreement~~local school district satellite school agreement that has been first approved by the local school board and any additional information required pursuant to this regulation. Provided further, the Local School District Satellite School Agreement criteria shall,shall include, at a minimum, meet the following requirements:

 - ~~4.1.14.2.1~~The Satellite Schoolssatellite school shall be subject to the same health and safety codes and building codes, in accordance with the local code enforcement entity, as required by other public school facilities; and
 - ~~4.1.24.2.2~~The local school district shall confer with the State Risk Manager regarding any liabilities that they and their employers may be subject to and shall provide appropriate protection and coverage from same; and
 - 4.2.3 The enrollment considerations shall be consistent with 14 Del.C. §2005(c).~~
- ~~4.24.3~~ Upon receipt of the documentation in subsection 4.14.2 of this regulation, the Department shall cause a review of the plans or inspection of the proposed facilities to be conducted by appropriate Department staff to determine the adequacy of the facilities for the intended educational purpose.
- ~~4.34.4~~ Approval by the Department shall require the assent of the Secretary of Education. The decision shall be considered final and not subject to appeal.

5.0 Compliance with State Risk Management

- 5.1 ~~The Charter School shall provide evidence that the types and limits of insurance coverage the Charter School plans to obtain for operation of a Satellite School are adequate and consistent with 14 Del.C. Chapter 5.~~
- 5.2 ~~The Local School District shall confer with the State Risk Manager regarding any liabilities that they and their employees may be subject to and shall provide appropriate protection and coverage for same.~~

6.05.0 Certificates of Occupancy or Occupancy PermitsAfter Approval

PROPOSED REGULATIONS

Certificates of Occupancy or Occupancy Permits shall be obtained from the appropriate jurisdictional authorities prior to occupancy of the facilities by the ~~Satellite School~~. satellite school. The ~~Satellite Schools~~satellite school shall be subject to the same periodic inspections for health and safety as other public schools.

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

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

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §§1305 and 1312(a), the Delaware Department of Education (“Department”) developed amendments to 14 **DE Admin. Code** 706 Credit for Experience for Full Time Active Duty Service in the Armed Forces. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

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

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? No.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? No.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? 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/october2025/proposed/29 DE Reg 256RFA 10-01-25.pdf>

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

1.0 Purpose

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

2.0 Definitions

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

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

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

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

3.0 Credit for Active Duty Experience

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

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

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

4.0 Calculation of Service Time

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

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

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

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

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

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

731 School Food Service Employees

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to **14 Del.C. §122(b)**, the Delaware Department of Education (“Department”) developed amendments to **14 DE Admin. Code 731** School Food Service Employees. The Department reviewed this regulation in compliance with **29 Del.C. §10407** which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

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

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? No.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? No.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? 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/october2025/proposed/29 DE Reg 257RFA 10-01-25.pdf>

731 School Food Service Employees**1.0 Experience**

School food service employees may be granted ~~one (1)~~ 1 year of experience for each creditable year of experience in similar employment.

2.0 Determination of Employee Staffing and Formula

2.1 School districts shall determine the salaries paid to cafeteria workers as follows:

- 2.1.1 Of the total number of full-time workers assigned to a food preparing cafeteria, a maximum of ~~two (2)~~ may be paid as a cook and ~~baker~~; baker; and
- 2.1.2 Satellite schools are eligible for State funded positions as set forth in **14 Del.C. §1322(a)**.

3.0 Salary Formula

3.1 The salaries prescribed in **14 Del.C. §1322(c)** for general workers, ~~cooks~~ cooks, and bakers shall be paid by the State from funds not derived from local food service operations as determined by the ~~number of meals prepared and served based on the monthly average reported for the 2019-20 academic year~~ following formula:

3.1.1 Seven hours of labor per 100 meals is calculated by:

3.1.1.1 Total number of reimbursable lunches served in the base month; plus

3.1.1.2 Total number of reimbursable breakfasts served in the base month; plus

- 3.1.1.3 Total of all other meals served in the base month determined by aggregating all income.
- 3.1.2 The number of meals prepared and served shall be based on the average reported for the month of October on the monthly reimbursement claim.
- 3.2 Each school district shall submit to the Department of Education a computation sheet for cafeteria workers with data showing hourly rate and hours worked not to exceed the maximum allowed under state formula.
- 3.3 Each school district shall submit a roster of cafeteria managers to the Department of Education showing names of managers and the salaries prescribed in [14 Del.C. §1322\(a\)](#). Each district shall also submit a computation sheet as prescribed by the Department of Education to determine the number of meals served according to the state formula.
-

OFFICE OF THE SECRETARY

DIAA

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

PROPOSED

PUBLIC NOTICE

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

A. TYPE OF REGULATORY ACTION REQUESTED Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to [14 Del.C. §303](#), the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to [14 DE Admin. Code 1040](#) DIAA Out-of-Season and Summer Athletic Activities and Contact. The proposed amendments clarify the number of returning student athletes to whom a coach may provide instruction during non-school athletic activities, programs, travel programs, clubs, or teams.

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 November 3, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns out-of-season athletic participation 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 concerns out-of-season athletic participation and is designed to 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 concerns out-of-season athletic participation and is designed to 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 will 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 amended regulation will 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 does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

PROPOSED REGULATIONS

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? There is no expected cost to the state or to the local school boards of compliance with the amended regulation.

***Please Note:**

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 259RFA 10-01-25.pdf>

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 259 10-01-25>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 3411, 3416, 3438, and 3439(a) (14 Del.C. §§3411, 3416, 3438 & 3439(a))
14 DE Admin. Code 1211

PROPOSED

PUBLIC NOTICE

1211 Career-Based Scholarship Program

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to [14 Del.C. §3416](#), the Secretary of Education seeks the consent of the State Board of Education to amend [14 DE Admin. Code 1211](#) Career-Based Scholarship Program. This regulation is being amended to ensure alignment with current practice. The amendments include combining regulations 1211, 1216, and 1217 and changing the name of the regulation to Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships. The amendments also include updates to various sections in the regulation.

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

C. IMPACT CRITERIA

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

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

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 260RFA 10-01-25.pdf>

1211 Career-Based Scholarship Program Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the ~~Career-Based Scholarship Program pursuant to 14 Del.C. §3416~~ all needs based scholarship programs administered by the Delaware Higher Education Office pursuant to 14 Del.C. Ch. 34 including: the Scholarship Incentive Program (14 Del.C. §3411); Career-Based Scholarship Program (14 Del.C. §3416); Educator Support Scholarship Program (14 Del.C. §3438); and the Mental Health Services Scholarship Program (14 Del.C. §3439(a)). Memorial scholarships are not included in this regulation.

2.0 Definitions

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

"Area of need" means 1 of the specific areas of need in which there is a shortage of teachers or specialists in Delaware as determined annually by the DHEO.

"Award" ~~means a scholarship awarded under the Career-Based Scholarship Program~~ means a scholarship awarded under 14 Del.C. Ch. 34 as delineated in Section 1.0 of this regulation.

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

"Free Application for Federal Student Aid" or **"FAFSA"** means the data supplied in connection with the federal government's application for federal financial aid.

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

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

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

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

"Student account access site" means the webpage on the DHEO's website where students can access scholarship opportunities.

3.0 Eligibility

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

3.1.1 ~~The applicant shall be enrolled in an undergraduate program of study leading to a career in a high need field.~~

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

PROPOSED REGULATIONS

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

4.03.0 Application Requirements and Submission Period

- 4.13.1 The application acceptance and submission period for the Career-Based Scholarship Program all needs based scholarship programs shall be posted on the DHEO's website by December 1 of each calendar year.
- 4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
- 4.1.2 Incomplete applications shall not be accepted or processed.
- 3.2 DHEO will not accept or process incomplete applications or applications submitted outside the posted application acceptance period.
- 4.23.3 In order for an application to be considered complete, an applicant shall fulfill all of the requirements in subsections 4.2.1 and 4.2.2, must, by the last date of the application acceptance and submission period:
- 3.3.1 Establish an account through the student account access site and provide the applicant's valid email address and permanent mailing address.
- 3.3.2 Complete an online application through the student account access site. Applicants may update their enrollment on the student account access site through the last date of the application acceptance process.
- 4.2.1 The applicant shall complete an online application through the student account access site by the last date of the application acceptance period.
- 4.2.1.1 Applicants may update their enrollment information on the student account access site through the last date of the application acceptance period.
- 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
- 4.2.23.3 The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline prior to the end of the submission period for the scholarship program the applicant is pursuing.

4.0 Eligibility

- 4.1 In order to be eligible for any scholarship awards under this regulation, an applicant must:
- 4.1.1 Meet the definition of residency in 14 Del.C. §3402(f); and
- 4.1.2 Complete the FAFSA and demonstrate financial need.
- 4.2 In order to be eligible for the Scholarship Incentive Program (14 Del.C. §3411), an applicant must meet the requirements under subsection 4.1 and be a full-time student enrolled in:
- 4.2.1 An undergraduate degree program at a higher education institution that is located in Delaware and has accreditation from an accrediting agency recognized by the U.S. Secretary of Education; or
- 4.2.2 An undergraduate degree program at a higher education institution that is located outside of Delaware and has accreditation from an accrediting agency recognized by the U.S. Secretary of Education and that is not offered by a publicly assisted college or university in Delaware; or
- 4.2.3 A graduate degree program at a higher education institution that is located outside of Delaware and has accreditation from an accrediting agency recognized by the U.S. Secretary of Education and that is not offered by a publicly assisted college or university in Delaware.
- 4.3 In order to be eligible for the Career-Based Scholarship Program (14 Del.C. §3416), an applicant must meet the requirements under subsection 4.1 and:
- 4.3.1 Be enrolled in an undergraduate program of study leading to a career in a high need field; and
- 4.3.2 Be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.
- 4.4 In order to be eligible for the Educator Support Scholarship Program (14 Del.C. §3438), an applicant must meet the requirements under subsection 4.1 and be enrolled in:
- 4.4.1 A program of study leading to a career as a teacher or specialist in an area of need;
- 4.4.2 An undergraduate program of study full-time or a graduate program of study either full-time or part-time;
- 4.4.3 A college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.
- 4.5 In order to be eligible for the Mental Health Services Scholarship Program (14 Del.C. §3439(a)), an applicant must meet the requirements under subsection 4.1 and be enrolled:

- 4.5.1 As a full-time or part-time student;
- 4.5.2 In a graduate level master's degree program;
- 4.5.3 In a Delaware postsecondary institution; and
- 4.5.4 That will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school.

5.0 Awards

- 5.1 DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for ~~appropriated~~. For the Career-Based Scholarship Program and based on the size of the applicant pool, Program, at least 1 applicant in each high need area career field will be awarded a scholarship annually.
- 5.2 To determine an applicant's financial need for the purpose of the Career-Based Scholarship, a scholarship, DHEO will consider:
 - 5.2.1 The applicant's student aid index, or SAI, which is the number that is calculated using the financial information an applicant provides on the applicant's FAFSA to determine the applicant's eligibility for federal student aid;
 - 5.2.2 The expense of attending the applicant's college or university; and
 - 5.2.3 The applicant's eligibility for Pell grants and other federal, state, or private grant assistance.
- 5.3 An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 ~~An award is renewable for up to 3 years. Students can submit a new application each year.~~
- 5.5 ~~To be eligible to renew an award, a student shall update the student's enrollment information on the student account access site; continue to be enrolled in a program of study leading to a career in a high need field; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.~~
- 5.6 ~~A student shall not receive more than 4 annual awards.~~
- 5.5 Students may not receive more than 4 annual awards per type of scholarship except:
 - 5.5.1 When the law states otherwise; or
 - 5.5.2 If the student receives an award from the Scholarship Incentive Program, they may receive that award 5 times; or
 - 5.5.3 If the student receives an award from the Mental Health Services Scholarship Program, they may receive that award only twice.

6.0 Award Payment

- 6.1 ~~Award payments shall be disbursed directly to the student's college or university only. DHEO will disburse award payments directly to the student's college or university only. DHEO will contact the recipient's college or university to verify the recipient's financial and enrollment status and to verify that the recipient is making satisfactory academic progress each semester prior to the scholarship funds being disbursed.~~
- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in [14 Del.C. §3402\(k\)](#). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3437 (14 Del.C. §3437)
14 DE Admin. Code 1215

PROPOSED

PUBLIC NOTICE

1215 High Needs Educator Student Loan Payment Program

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

DELAWARE REGISTER OF REGULATIONS, VOL. 29, ISSUE 4, WEDNESDAY, OCTOBER 1, 2025

Pursuant to 14 Del.C. §3437, the Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 1215 High Needs Educator Student Loan Payment Program. This regulation is being amended to ensure alignment with current practice. The following sections have been revised: Title and purpose, definitions, and other sections throughout the regulation.

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

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 263RFA 10-01-25.pdf>

~~1215 High Needs Educator Student Loan Payment Program~~ Public School Employee Support Program for High Need Areas

1.0 Purpose

The purpose of this regulation is to provide eligibility criteria, application requirements, and award process for the ~~High Needs Educator Student Loan Payment Program~~, Public School Employee Support Program for High Need Areas pursuant to 14 Del.C. §3437.

2.0 Definitions

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

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

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

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the Department to engage in the practice of instruction, ~~administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Standards Board and approved by the State Board of Education. For purposes of this regulation, Educator also includes teachers employed by the Delaware Division for the Visually Impaired who teach students with visual impairment.~~

"High needs area" means ~~means a certification field that the Department designates as a high needs subject area or a high needs Delaware public school as defined on the Department's website.~~

- (1) ~~Any certification field that the Department designates as a high needs subject area or a high needs Delaware public school as defined on the Department's website.~~(2) ~~Any school either:~~
- (a) ~~In the top quartile in 3 or more of the following:~~
 - (1) ~~Percentage of Low-Income Students or students within the statewide metric determined by the Department utilizing direct certification for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP);~~
 - (2) ~~Percentage of English Learners or students with limited English proficiency and who meet the definition of English Learner as defined by the Department's regulations;~~
 - (3) ~~Percentage of Students with Disabilities or students who are determined to eligible for 1 or more of the educational classifications under the Department's regulations and who, by reason thereof, need special education and related services; or~~
 - (4) ~~Percentage of Minority Students or students who are members of a racial or ethnic group other than the racial or ethnic group that represents the majority of the State's population; or~~
 - (b) ~~Having 90% of its students classified as Low-Income, English Learners, or Minority; or~~
 - (c) ~~Any facility operated by the Department of Services for Children, Youth and Their Families in which education programs are provided.~~

"Public School Employee" means an individual employed at a Delaware public school in 1 of the following positions:

- (a) Educator;
- (b) School counselor;
- (c) School psychologist;
- (d) School social worker; or
- (e) Speech-language pathologist.

"Qualified Educational Loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to an Educator's a public school employee's undergraduate or graduate degree program. Reasonable educational expenses do not include tools or supplies (other than textbooks) that are retained by the recipient after the course of instruction; meals, lodging, or transportation; or education involving sports, games, or hobbies unless such education is required as part of a degree program. **"School"** means a Delaware public school, including a vocational-technical school and a charter school, or a facility operated by the Department of Services for Children, Youth and Their Families. school.

"Secretary" means the Delaware Secretary of Education.

3.0 Eligibility

- 3.1 In order to be eligible for an award under the High Needs Educator Student Loan Payment Program, public school employee support program for high need areas, an applicant shall must meet the requirements of subsections 3.1.1 through 3.1.5, all the following requirements:
 - 3.1.1 The applicant shall be an Educator. Be a full time public school employee at a school in a high needs area;
 - 3.1.2 The applicant shall have Have secured a Qualified Educational Loan qualified educational loan prior to submitting an application. application;
 - 3.1.3 The applicant shall have obtained a license and certificate issued by the Department. Have a valid, current license and certificate issued by the Department;
 - 3.1.4 The applicant has not Have not had an ineffective evaluation on the State's current evaluation system or the equivalent thereof on a State-approved alternative educator evaluation system. system;
 - 3.1.5 The applicant shall instruct Instruct or provide educational support in an identified high needs subject area or high needs school for at least 1 school year.

4.0 Application Requirements

- 4.1 The application acceptance and submission period for the High Needs Educator Student Loan Program public school employee support program for high need areas shall be posted on the DHEO's website by December 1 of each calendar year.
 - 4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
 - 4.1.2 Incomplete applications shall not be accepted or processed.
- 4.2 DHEO will not accept or process incomplete applications or applications submitted outside the posted application acceptance period.

PROPOSED REGULATIONS

4.3 In order for an application to be considered complete, ~~the applicant shall complete all of the requirements in subsections 4.2.1 through 4.2.3.~~ an applicant must, by the last date of the application acceptance and submission period:

~~4.2.14.3.1~~ _____ The applicant shall certify ~~Certify~~ to DHEO that the applicant meets all of the eligibility requirements in Section 3.0.

~~4.2.24.3.2~~ _____ The applicant shall provide ~~Provide~~ the applicant's current employment information, lender, and loan amount to DHEO. information and all requested application information.

~~4.2.34.4~~ _____ The applicant shall provide substantiation to DHEO that the award will be used for a Qualified Educational Loan as defined in Section 2.0. ~~Every year applicants must submit a new, completed application and any additional information DHEO may request in accordance with the program regulations.~~

5.0 Awards

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

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

~~5.2.1~~ Applicants seeking eligibility based on eligible school shall maintain continuous employment by the same school as in the previous school year in order to be eligible for the award.

~~5.2.1.1~~ _____ Applicants shall still be eligible for an award if they have separated from the school they were previously employed with if separation was involuntary, including reduction in force, or was otherwise beyond the applicant's control.

5.3 ~~Where~~ if there are insufficient funds to make an award to every applicant who satisfies ~~Program~~ program requirements, DHEO shall give priority to applicants who meet 1 or more of the following criteria:

5.3.1 Applicants employed in both a certification field and a school that the Department has identified as a high needs area as defined in this regulation.

5.3.2 Applicants having the greatest financial need. The applicants having the greatest financial need shall be determined at the sole discretion of DHEO. To determine financial need, the DHEO shall request at least the applicant's income and total amount of qualified educational loans.

~~5.4~~ _____ The applicants having the greatest financial need shall be determined at the sole discretion of DHEO. Such decision shall be based upon:

~~5.4.1~~ _____ The applicant's income;

~~5.4.2~~ _____ The applicant's spousal income;

~~5.4.3~~ _____ The number of applicant's dependents; and

~~5.4.4~~ _____ The total amount of the applicant's Qualified Educational Loans.

~~5.5~~ _____ DHEO shall have the sole discretion to prioritize applications and determine awards consistent with the requirements of the Program as noted in this regulation.

~~5.65.4~~ DHEO shall make a loan payment directly to the applicant's lending agency on behalf of the applicant. DHEO will pay awards through the State's central payroll operation.

~~5.7~~ _____ To be considered for a second, third, fourth, or fifth award, an applicant shall submit a new, completed application and meet all of the requirements in Section 3.0 of this regulation each year.

~~5.85.5~~ _____ An applicant may receive only 1 award per year, and year and may receive no more than 5 awards in their lifetime.

6.0 Award Payment

6.1 ~~An award shall be a minimum of \$1,000 and shall not exceed \$2,000.~~ at least \$1,000.

6.2 DHEO will not issue awards to applicants who:

~~6.2.1~~ _____ Fail to complete an acceptance form as provided by the DHEO upon notification of award eligibility and return the completed form to the DHEO by the stated deadline. The DHEO will not accept any acceptance forms outside of the stated acceptance deadline; or

~~6.2.2~~ _____ Are no longer employed at a Delaware public school at the time of award distribution through the State's payroll system.

~~6.26.3~~ _____ If an applicant knowingly submits false information or commits fraud in connection with the application process, DHEO may reevaluate the applicant's eligibility for a loan payment and may withdraw its decision to make a loan payment on the applicant's behalf. an award.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 18000

PROPOSED

PUBLIC NOTICE

18000 Delaware Healthy Children 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 Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children's Health Insurance Program (CHIP).

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 October 31, 2025. Please identify in the subject line: Juvenile Justice 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 Juvenile Justice Part 1.

Statutory Authority

- The Consolidated Appropriations Act (CAA) of 2023
- State Health Official (SHO) Letter 24-004

Background

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

Summary of Proposal

Purpose

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

Summary of Proposed Changes

Effective December 11, 2025, the DHSS/DMMA proposes to amend the DSSM regarding Juvenile Justice.

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 October 31, 2025.

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/october2025/proposed/29 DE Reg 267RFA 10-01-25.pdf>

18000 Delaware Healthy Children Program

This section describes the eligibility requirements under Delaware's CHIP program - the Delaware Healthy Children Program (DHCP).

The Balanced Budget Act of 1997, enacted on August 5, 1997, established the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act. The purpose of this program is to provide funds to States to enable them to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children.

This program does not create any entitlement on the part of children to child health assistance. CHIP creates a capped allotment to the funds on the part of the states. Enrollment will be stopped when total expenditures are projected to equal the available funding level.

18100 Definitions

"Comprehensive health insurance" means a benefit package comparable in scope to the "basic" benefit package required by the State of Delaware's Small Employer Health Insurance Act at Title 18, Chapter 72 of the **Delaware Code**. This package covers hospital and physician services as well as laboratory and radiology services. The term "comprehensive" does not mean coverage for benefits normally referred to as "optional," e.g., prescription drugs.

"Inmate of a public institution" means a ~~an~~ person individual living in a public institution. A public institution is an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. An inmate is serving time for a criminal offense or confined involuntarily in State or Federal prisons, jail, detention facilities, or other penal facilities. A ~~An~~ person individual living in a detention center after ~~his~~ their case has been adjudicated and other living arrangements are being made (such as a transfer to a community residence) is not an inmate of a public institution.

"Eligible Juvenile" means an individual who is under 21 years of age who was determined eligible for Medicaid or CHIP in any eligibility group before becoming an inmate of a public institution or while an inmate of a public institution. This also includes the Former Foster care group ages 18 – 26.

"Institution for Mental Disease" means a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment or care of ~~persons~~ individuals with mental diseases, including medical attention, nursing care, and related services. Whether an institution is an institution for mental diseases is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases, whether or not it is

licensed as such. An institution for Individuals with Intellectual Disabilities is not an institution for mental diseases.

18200 Delaware Healthy Children Program General Eligibility Requirements

An individual must meet the general eligibility requirements described in Section 14000.

Exceptions: DHCP does not provide coverage of emergency services and labor and delivery only for illegally residing nonqualified aliens. Retroactive coverage is not available under DHCP.

18300 Technical Eligibility

Age: The child must be under age 19.

Uninsured: The child must be uninsured. Children cannot be found eligible for DHCP if they:

- are eligible for Medicaid;
- are eligible for Medicare;
- have the following types of insurance coverage at the initial determination of eligibility or at the annual redetermination of eligibility.
 - Insurance coverage that meets the requirements of comprehensive health insurance, or
 - Military Health Insurance for Active Duty, Retired Military, and their dependents.
- are eligible for or have access to coverage under a state health benefits plan of a family member's employment with a public agency in the state.

A child who has a family member who works for a public agency within Delaware and is eligible to participate in the State health benefits plan with an employer premium subsidy is not eligible for DHCP. Family member is defined as the parent of the child or the individual who has legal custody of the child. The State health benefits plan is the plan that is offered or organized by the State of Delaware on behalf of State employees or other public agency employees within the state. The State health benefits plan does not include separately run county plans, city plans, or other municipal plans.

Residents of Institutions: A child who is a patient in an institution for mental disease (IMD) or who is an inmate of a public institution is not eligible. Exception: If a child enrolled in DHCP subsequently requires inpatient services in an IMD, the receipt of inpatient services will not make the child ineligible during a period of continuous eligibility.

18400 Financial Eligibility

Financial eligibility is determined using the MAGI methodologies described in Section 16000.

Household income may not exceed 212% of the Federal Poverty Level (FPL).

18500 Protection of Former Medicaid Children

Children who are enrolled in Medicaid on December 31, 2013, and who lose eligibility for Medicaid at their first renewal due to the application of MAGI methodologies, must be covered under DHCP until the next scheduled 12-month renewal. Children are not subject to the uninsured requirement or the income limit during this 12-month protected period. The other requirements under DHCP are applicable during this 12-month protected period.

18600 Managed Care Enrollment Requirements

Children who are found eligible must enroll with a managed care organization to receive coverage of medical services. The Health Benefits Manager (enrollment broker) will be responsible for the enrollment process.

18700 Premium Requirements

Effective January 1, 2024, premiums are no longer required.

18800 Continuous Eligibility

Statutory Authority

42 CFR 435.926

42 CFR 435.118

18800.1 Continuous Eligibility for Target Low-Income Children

Continuous eligibility for targeted low-income children provides coverage to children in DHCP for a full 12-month period regardless of changes in circumstance, with certain exceptions. Continuous eligibility is based on the effective date of the child's last eligibility determination at application or renewal.

The continuous eligibility period begins:

- For applicants on the date of the individual's eligibility.
- Following an annual renewal, on the effective date of the individual's renewal, which begins a new eligibility period.

A child's eligibility may not be terminated during a period of continuous eligibility for changes in circumstance, unless 1 of the following allowable exceptions applies. These exceptions have been revised effective January 1, 2024.

- (1) The child attains age 19, unless the child is in a 12-month postpartum period;
- (2) The child or child's representative requests a voluntary termination of eligibility;
- (3) The child ceases to be a resident of the State;
- (4) The agency determines that eligibility was erroneously granted at the most recent determination, or renewal of eligibility, because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative;
- (5) The child dies; or
- (6) The child becomes eligible for Medicaid.

Children who have been determined eligible based on self-attested information are entitled to the 12-month continuous eligibility period. Coverage may not be terminated for such children during a continuously eligible period if, in conducting post-enrollment verification, the state obtains information that indicates that the child does not meet all the eligibility requirements unless the information indicates that 1 of the limited exceptions to continuous eligibility above applies.

If the self-attested information indicates that the child is eligible, the state is not considered to have made an erroneous determination, even if there is an inconsistency between the attested information and information subsequently obtained from family or electronic data sources after enrollment. The receipt of information is considered a change in circumstance. See Section 14800 Verifications of Factors of Eligibility.

Children whose citizenship or satisfactory immigration status is not verified have not been determined eligible. Continuous Eligibility does not apply to children who are receiving benefits under a reasonable opportunity to provide (ROP) period if the child's status cannot be verified. See Section 14390.1 Reasonable Opportunity to Provide Documentation of Citizenship and Identity or Alien Status.

18800.2 12-month Postpartum Continuous Eligibility

The 12-month postpartum period is a mandatory extension of coverage for DCHP members who were determined eligible in the month the pregnancy ends or in a month prior to the month the pregnancy ends (while still pregnant). A targeted low-income child cannot apply and be found eligible for the postpartum period alone.

The 12-month postpartum period begins on the date a pregnancy ends, extends 12 months, and ends on the last day of the month in which the 12-month period ends.

Once it has been determined that a DHCP member is eligible for the 12-month postpartum continuous eligibility, they will transfer to the Pregnant Woman Medicaid group and remain continuously eligible throughout the 12-month postpartum period, regardless of changes in income.

18800.3 Continuous Eligibility During Incarceration

-Children who are determined eligible for DHCP at initial application or renewal who later become incarcerated during a CE period must remain eligible for the duration of their CE period.

-The child's DHCP eligibility must be terminated during their CE period unless they experience another permissible exception to CE. See section 18800.1 Continuous Eligibility for Target Low-Income Children.

-Eligibility may no longer be terminated for otherwise-eligible children in DHCP at renewal if the only reason for the termination is that they are inmates of a public institution. See section 60100 Incarcerated Individuals Definitions.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

16 **DE Admin. Code** 60000

PROPOSED

PUBLIC NOTICE

60000 Incarcerated Individuals Medicaid 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 Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children's Health Insurance Program (CHIP).

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 October 31, 2025. Please identify in the subject line: Juvenile Justice 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 Juvenile Justice Part 2.

Statutory Authority

- The Consolidated Appropriations Act (CAA) of 2023
- State Health Official (SHO) Letter 24-004

Background

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

Summary of Proposal

Purpose

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

Summary of Proposed Changes

Effective December 11, 2025, the DHSS/DMMA proposes to amend the DSSM regarding Juvenile Justice.

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 October 31, 2025.

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/october2025/proposed/29 DE Reg 271RFA 10-01-25.pdf>

60000 Incarcerated Individuals Medicaid Program

Statutory Authority

Patient Protection and Affordable Care Act (ACA, P.L.111-148, as amended)

Inmates of a public institution who are held involuntarily may be enrolled in Medicaid, but Medicaid may not provide coverage for most services while the individual is detained. The inmate coverage exclusion applies to all Medicaid services provided to inmates, EXCEPT inpatient services provided in a medical institution.

Medicaid regulations, 42 CFR 435.1009, limit payment for services for individuals residing in correctional institutions. Medicaid statute requires coverage of inpatient services for the incarcerated individual if he/she is admitted to a medical institution for 24 hours or more, per 42 USC § 1396d(a)(31)(A).

Incarcerated individuals who apply for Medicaid may be required to enroll with a Managed Care Organization (MCO). Enrollment with an MCO while incarcerated allows for a smooth transition to full Medicaid benefits when the inmate is released from jail or prison if the inmate remains eligible for Medicaid after released.

60100 Incarcerated Individuals Definitions

Eligible Juvenile - an individual who is under 21 years of age who was determined eligible for Medicaid or DHCP in any eligibility group before becoming an inmate of a public institution or while an inmate of a public institution. This also includes the Former Foster Care group ages 18 – 26.

Inmate - an individual of any age who is in custody and held involuntarily in a public institution under the operation of law enforcement authorities. Regardless of the label attached to any particular custody status, an important consideration of whether an individual is an "inmate" is the individual's legal ability to exercise personal freedom.

Inmate of a Public Institution- Federal law defines an inmate of a public institution as "a person living in a public institution."

Public Institution - Federal Law defines a public institution as "an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. A public institution includes a correctional institution."

(See DSSM section 14120 for additional institution definitions)

60200 Inmate residence

An inmate is considered a resident of the state in which the crime was committed. This information will be obtained from the Medicaid application.

For an inmate incarcerated by their home state but sent to an out of state public institution for any reason, including the home state not having capacity to house the individual, the home state remains the state of residence.

Individuals who have committed a crime outside of their home state and are placed in a correctional institution in and by the state in which the crime was committed are considered be residents of that state while incarcerated.

60300 Financial Eligibility and Household Composition

Financial Eligibility is determined based on modified adjusted gross income (MAGI) eligibility rules, or non-MAGI eligibility rules, depending on the individual's circumstances.

There are no special rules or exceptions for incarcerated individuals. Follow income eligibility rules and household composition under section 16000 of the DSSM.

Exception: Incarcerated individuals are not considered parents/caretaker relatives for Medicaid purposes. However, an incarcerated individual can still file taxes and claim dependents which would be counted in the incarcerated individual's household size for Medicaid purposes.

60400 Application and Redetermination

Regulations under DSSM Sections 14000 apply to incarcerated individuals applying for Medicaid. With the following exceptions:

1. Incarcerated Medicaid eligibility is effective the first day of the month if the individual was eligible at any time during that month provided the individual was an Incarcerated Delaware resident on the first of the month. If not a Delaware resident on the first of the month, Medicaid will be effective the date the individual became an Incarcerated Delaware resident.
2. An inmate may designate an individual as an authorized representative (see DSSM section 14100.1) to act on his or her behalf in matters related to eligibility and enrollment. An authorized representative may NOT enroll an inmate in Medicaid without his or her consent.

An annual renewal of eligibility is required for incarcerated individuals, there are no special rules or exclusions. See DSSM Section 14100.6

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(1); (3)a., b., c., f., & j. (16 **Del.C.** §122(1); (3)a., b., c., f., & j.)
16 **DE Admin. Code** 4457

PROPOSED

PUBLIC NOTICE

4457 Regulations Governing the Manufacture and Sale Of Ice

Pursuant to 16 **Del.C.** §122(1); (3)a., b., c., f., & j., the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulations governing the manufacture and sale of ice (16 **DE Admin. Code** 4457).

PROPOSED REGULATIONS

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include updated and new definitions and technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

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

Public comments will be accepted until 4:30 PM on November 3, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

***Please Note:**

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 273RFA 10-01-25.pdf>

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 273 10-01-25>

DIVISION OF SOCIAL SERVICES

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

PROPOSED

PUBLIC NOTICE

4000 Financial Responsibility

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 excluding income in TANF and GA eligibility determinations.

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 October 31, 2025. Please identify in the subject line: Excluding Income in TANF and GA Eligibility Determinations

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 excluding income in TANF and GA eligibility determinations.

Statutory Authority

45 CFR 233.20(a)

Background

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

Summary of Proposal

Purpose

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

Summary of Proposed Changes

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

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 October 31, 2025.

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/october2025/proposed/29 DE Reg 274RFA 10-01-25.pdf>

4000 Financial Responsibility

(Break in Continuity of Sections)

4006 Excluding Income in TANF and GA Eligibility Determinations

45 CFR 233.20(a)

DSS disregards the types of income listed in this policy when determining financial eligibility and grant amounts for TANF and GA.

1. **The value of U.S. Department of Agriculture (USDA) donated foods.**
2. **The value of Supplement Nutrition Assistance Program (SNAP) food benefits.**
3. **Foster care payments made to the foster family for foster children residing in the home.**
4. **Supplemental Security Income (SSI) recipient's income and resources, including the SSI payment.**
5. **Third-party payments made on behalf of a client.**
6. **TANF program high school graduation bonus payments.**
7. **Contributions for shared living expenses by a non-unit member.**
8. **Any loans that must be repaid.**
9. **Earnings of a minor student who is in the assistance unit, including 18-year-old students for whom an adult is receiving a grant.**
10. **Non-recurring lump sum payments.**
 - A. A non-recurring lump sum payment is a resource in the month received unless specifically excluded as a resource by other federal laws or regulations.

PROPOSED REGULATIONS

11. **Incentive payments or reimbursements for training-related expenses from participation in institutional and work experience training or special work projects.**
12. **Benefits from nutrition programs for the elderly or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).**
13. **AmeriCorps VISTA program payments.**
 - A. The AmeriCorps VISTA program payment is not excluded if the payment value is equal to or greater than the Fair Labor Standards Act's current minimum wage for the hours worked. In that case, the income is treated as earned income. Disregards applicable to the category of assistance are deducted from the payment.
14. **Temporary part-time U.S. Census Bureau employment income received during the census period.**
15. **Disaster and emergency assistance provided by federal, state, and local governments and disaster assistance organizations under P.L. 100-707.**
16. **Earned income tax credits (EITC).**
17. **All federal tax refunds (TANF only).**
18. **Assistance from other agencies and organizations provided that no duplication in assistance exists between the other agency and DSS.**
 - A. To assure that non-duplication exists, case workers will determine that the assistance from the other agency is for a different purpose. ~~For example, vocational~~
Example: Vocational rehabilitation provides cash allowances to reimburse clients for costs such as transportation related to their participation in a training program.
Example: Time-limited income for living expenses received based on need from non-profit organizations or state or local government agencies, such as rental assistance payments from the New Castle County Family HOPE Project.
19. **Supportive services payments or reimbursements for out-of-pocket expenses made to foster grandparents, senior health aides, or senior companions, and to persons serving in services corps of retired executives and active corps of executives, and any other program under Title II and III pursuant to Section 418 under P.L. 93-113.**
20. **Need-based home energy assistance.**
21. **Experimental Housing Allowance Program payments made under annual contributions contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act as amended.**
22. **Benefits paid to eligible households under the Low-Income Home Energy Assistance Act.**
23. **Housing subsidies under Section 8 of the U.S. Housing Act.**
24. **Receipts distributed to members of certain Indian tribes, which are referred to in Section 5 under P.L. 94-114.**
25. **Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act under P.L. 92-203.**
26. **Payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange Product Liability Litigation, M.D.L. No. 381 (E.D.N.Y. 1984).**
27. **Payments distributed per capita to or held in trust for members of any Indian tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540.**
28. **Restitution made to United States' citizens and permanent resident aliens of Japanese ancestry who were interned during World War II pursuant to Title I. under P.L. 100-383.**
29. **Restitution made to any Aleut who was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands during World War II pursuant to Title II under P.L. 100-383.**
30. **Income received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.**
31. **Financial assistance received from school grants, scholarships, vocational rehabilitation payments, Job Training Partnership Act payments, educational loans, other loans that are expected to be repaid, and other financial assistance received that is intended for books, tuition, or other self-sufficiency expenses (TANF only).**
32. **Grants, loans, and earnings from federally financed college work study to undergraduate students for educational purposes that are made or insured by programs administered by the U.S. Commissions of Education (GA only).**

- A. For other grants, loans, or unearned income that are contingent upon attending a school, college, university, or course of vocational training, the amount that is available for current living expenses is counted as income for GA. To determine the amount that is available for current living expenses:
- Subtract the expenses for tuition, books, fees, equipment, special clothing needs, transportation to and from school, and child care necessary to attend school from the amount of the loan, grant, or other benefit;
 - Divide the balance by the number of months the amount available for living expenses is intended to cover to determine the countable monthly income.
- B. When a student's financial aid package includes both loans and grants that are completely disregarded and those that are countable after expenses are deducted, determine countable income for GA as follows:
- Compare the expenses to the disregarded loans or grants;
 - If the expenses are less than or equal to the disregarded funds, all other grants and loans are budgeted as unearned income.

Related policies:
DSSM section 4005.1

4006.1 Excluded Income - Grants and Loans to Students

Repealed, effective October 11, 2019

4006.2 Excluded income - grants and loans to students - General Assistance

Repealed, effective October 11, 2019

***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/october2025/proposed/29 DE Reg 274 10-01-25>

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 income exclusions for food benefits.

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 October 31, 2025. Please identify in the subject line: Income Exclusions for Food Benefits

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 income exclusions for food benefits.

Statutory Authority

7 CFR 273.9(c)

Background

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

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

Summary of Proposal

Purpose

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

Summary of Proposed Changes

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

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 October 31, 2025.

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/october2025/proposed/29 DE Reg 277RFA 10-01-25.pdf>

9000 Food Stamp Program

(Break in Continuity of Sections)

9059 Income Exclusions for Food Benefits

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

1. **Exclude the following income when determining eligibility for food benefits.**

A. **In-kind Benefits** – A gain or benefit not payable to the household do not count as income as follows:

1. Meals
2. Clothing
3. Housing
4. Produce from a garden
5. Working in exchange for free services or rent

B. **Vendor Payments** - Payments made by a person or organization on behalf of the household to a creditor, person or organization providing a service to the household do not count as income, as follows:

1. Rent or mortgage payments made to landlords or mortgagees by HUD. Housing assistance payments made through a State or local housing authority.

2. Reimbursements made in the form of vendor payments are excluded on the same basis as reimbursements paid directly to the household as described in DSSM 9059 E.
3. Payments made to a third party, on behalf of a household, using money that the payer does not owe the household.
 - (i) A friend or relative uses his or her own money to pay the household's rent directly to the landlord.
 - (ii) Employer pays a household's rent directly to the landlord in addition to paying the household its regular wages.
 - (iii) The value of the housing an employer provides for an employee in addition to wages.
 - (iv) Payments specified by a court order or other legally binding agreement, to go directly to a third party rather than the household.
 - (a) A court awards support payments for \$400 a month and, in addition, orders \$200 to be paid directly to a bank for repayment of a loan. The \$400 payment counts as income and the \$200 payment does not count.
 - (b) Payments in excess of amounts specified in a court order or written agreement that someone pays to a third party on the household's behalf does not count as income.
 - (v) Support payments not required by a court order or other legally binding agreement does not count as income.
4. Child care payments made to child care providers for day care for a household member.
5. Emergency Assistance payments made directly to a third party for a household expense, even if the household has the option of receiving a direct cash payment.

(Break in Continuity Within Section)

W. Income excluded under TANF to only include:

1. Time-limited income for living expenses received based on need from non-profit organizations or state or local government agencies, such as rental assistance payments from the New Castle County Family HOPE Project.

***Please Note: 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/october2025/proposed/29 DE Reg 277 10-01-25>

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 11000

PROPOSED

PUBLIC NOTICE

11000 Child Care Subsidy 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 determining income and graduated phase out for child care.

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

PROPOSED REGULATIONS

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 October 31, 2025. Please identify in the subject line: Determining Income and Graduated Phase Out for Child Care

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 determining income and graduated phase out for child care.

Statutory Authority

45 CFR 98.21

Background

DSS is amending DSSM 11003.9.1 to update the gross income limit for child care assistance from 185% of the Federal Poverty Level (FPL) to 200% FPL and to add a new income exclusion for "time-limited income for living expenses received based on need from non-profit organizations or state or local government agencies".

DSS is amending DSSM 11004.13 to increase the income limits for graduated phase out of child care assistance and to change the term "parent fee" to "copayment". The Child Care and Development Block Grant (CCDBG) requires that recipient families who exceed the child care income threshold will have the opportunity to continue to receive child care assistance for an additional 12 months. Graduated phase out allows families to transition from Purchase of Care (POC) rather than abruptly ending the assistance. Legislation recommended and put in Budget Bill Section 193 increases the Federal Poverty Level for graduated phase out to income exceeding 200% FPL but at or below 300% FPL when redetermining families for POC.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend determining income and graduated phase out for child care.

Summary of Proposed Changes

Effective for services provided on and after October 1, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) to amend determining income and graduated phase out for child care.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS 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 October 31, 2025.

Fiscal Impact

DSS estimates 300 children will be impacted by the Graduated Phase Out income limit increase. DSS is estimating the policy change impact for Federal Fiscal Year 2026 and 2027 will be \$1,189,691 of additional State funds and \$534,499 of additional Federal funds to accommodate the increase to 300% FPL.

	Federal Fiscal Year 2026	Federal Fiscal Year 2027
General (State) funds	\$1,189,691	\$1,189,691
Federal funds	\$534,499	\$534,499

***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/october2025/proposed/29 DE Reg 279RFA 10-01-25.pdf>

11000 Child Care Subsidy Program

(Break in Continuity of Sections)

11003 Determining Technical Eligibility for Child Care Assistance

45 CFR 98.20

PRWORA 401 and 402

This policy applies to applicants for and recipients of child care assistance.

1 . **Parents/Caretakers Must Meet Certain Eligibility Criteria**

To be technically eligible parents/caretakers must have a need that requires them to be out of the home or reasonably unavailable to provide supervision (e.g., a medical condition, needing rest because of working a third shift, etc.).

A. Parents/Caretakers must be a Delaware resident.

B. Parents/Caretakers who need services must meet one of the following:

1 . Accept or keep a job;

2 . Participate in a DSS Employment and Training (E & T) program;

3 . Participate in the Transitional Work Program (TWP);

4 . Participate in job search;

5 . Have a break in education/training;

6 . Prevent child abuse or neglect as referred by Division of Family Services (DFS);

7 . Provide care for the children) when the parents/caretakers have a special need;

8 . Enrolled and attending middle school or high school;

9 . Enrolled and participating in a General Education Diploma (GED) program or similar secondary credential assessment approved by the Delaware Department of Education.

2 . **Children Must Meet Certain Criteria**

Children may be eligible if they:

A. Live in the home and are under the age of 13;

B. Live in the home and are age 13 to 18 and are physically or mentally incapable of caring for themselves;

C. Are active with and referred by the Division of Family Services (DFS).

3 . **Non-Citizens May Qualify for Child Care Assistance**

Non-citizens may qualify if:

A. At least one U.S. citizen or legal alien lives in the household.

B. Both parents/caretakers meet technical and financial eligibility criteria.

C. The following aliens qualify for a period of five (5) years from the date of:

1. Obtaining status as a refugee; or

2. Obtaining status as an asylee; or

3. Their deportation is being withheld.

D. They are aliens admitted as permanent residents who have worked forty (40) qualifying quarters.

E. They, their spouses or unmarried dependent children are honorably discharged veterans or on active military duty.

(Break in Continuity of Sections)

11003.9 Financial Requirements

Child care services are available to families who otherwise cannot pay for all or part of the cost of care. This determination of who cannot afford to pay all, or a portion of the cost of care, is always a determination based on income. The financial requirements, which follow, relate to the circumstances which qualify parent/caretakers for child care services based on income. These requirements help determine whose income to count or not count, what is counted, and when and how to count it.

11003.9.1 Determining Income Eligibility for Child Care

45 CFR 98.21(c)

This policy outlines how DSS determines income eligibility for applicants and recipients of the Child Care Subsidy Program.

PROPOSED REGULATIONS

- 1 . DSS will determine income eligibility for the Child Care Subsidy Program when a family submits a completed and signed application and completes an interview for child care assistance.
- 2 . Case workers must verify the past 30 days of income received by the family.
- 3 . If a family's income fluctuates, DSS will average the last three to six months of the family's income and exclude temporary income (such as overtime, bonus, or holiday pay) for eligibility determination.
- 4 . DSS considers all gross earned and unearned income received by the family when determining child care eligibility.
- A. Gross income is the amount of earned and unearned income before deductions such as taxes, bonds, pensions, and union dues.
- B. To be eligible for child care assistance, a family's gross monthly income must be equal to or less than ~~185%~~ 200% of the Federal Poverty Level (FPL) for the family size.
- 5 . DSS counts the following income when determining child care eligibility:
- A. Earned income, including, but not limited to:
- i. Wages and salary;
 - ii. Armed forces pay;
 - iii. Commissions, tips, and piece-rate payments; and
 - iv. Self-employment earnings.
 - a. Self-employment earnings are counted after applying a standard deduction for self-employment expenses.
 - b. Self-employed clients must verify at least one business cost to receive the self-employment deduction.
 - c. Self-employment earnings must be equal to the federal minimum wage.
- B. Unearned income, including, but not limited to:
- i. Social Security benefits, including Social Security Disability Income (SSDI), Supplemental Security Income (SSI), and Retirement, Survivors, and Disability Insurance (RSDI);
 - ii. Veteran's benefits and military allotments;
 - iii. Public assistance payments, including Temporary Assistance for Needy Families (TANF);
 - iv. Net rental income;
 - v. Unemployment compensation;
 - vi. Workers' compensation;
 - vii. Pensions;
 - viii. Railroad retirement;
 - ix. Annuities; and
 - x. Alimony and child support.
- 6 . DSS excludes the following income when determining child care eligibility:
- A. The value of U.S. Department of Agriculture (USDA) donated foods;
 - B. The value of Supplement Nutrition Assistance Program (SNAP) food benefits;
 - C. The value of supplemental food assistance under the Child Nutrition Act of 1966 and the National School Lunch Act, as amended;
 - D. The value of homegrown produce used for household consumption;
 - E. The earned income of a child under the age of 18 years old who is a student;
 - F. All AmeriCorps VISTA income;
 - G. Temporary U.S. Census Bureau employment income received during the census period;
 - H. Temporary income received by a family that may determine the family to be over 85% of the State Median Income (SMI);
 - i. The family must submit documentation of when the income will end.
 - ii. The temporary work period cannot exceed 90 days.
 - I. The money received from the sale of property such as stocks, bonds, a house, or a car;
 - i. If the client is in the business of selling such property, the net proceeds are counted as income from self-employment.
 - J. Withdrawals from bank accounts;
 - K. Money borrowed or received as a gift;

- L. Capital gains;
- M. Federal income tax returns;
- N. Non-recurring lump sum payments (e.g. a lump sum child support payment);
- O. Any payments derived from participation in activities under the Food Benefit Employment & Training program or other job training programs;
- P. Loans or grants, such as scholarships obtained and used under conditions that preclude their use for current living costs;
- Q. Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education under the Higher Education Act;
- R. Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of Indian Claims Commission or the Court of Claims;
- S. Payments made pursuant to the Alaska Native Claims Settlement Act to the extent such payments are exempt from taxation under ESM 21(a) of the Act; and
- T. Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- U. Time-limited income for living expenses received based on need from non-profit organizations or state or local government agencies, such as rental assistance payments from the New Castle County Family HOPE Project.

7 . DSS does not consider resources such as cars, homes, savings accounts, or life insurance when determining income eligibility for child care assistance.

8 . Once eligibility has been established, DSS will complete a net income test to determine if the family will have a copayment for child care assistance.

- A. Net income is the total income counted in the child care budget after shelter and utility deductions have been applied.
- B. The net income test determines if the family has an excessive financial burden. DSS will waive the copayment if the family's income falls below 40% of the FPL per DSSM 11004.7.1.

(Break in Continuity of Sections)

11004 Applying for Child Care Assistance

45 CFR 98.1(b)(1)

Parents and caretakers who are interested in receiving child care assistance may inquire about services by contacting a DSS office.

- 1. Parents and caretakers may informally inquire about child care eligibility by contacting a DSS office by phone call or unannounced office visit.**
- 2. Each informal inquiry for child care services will be reviewed by a DSS eligibility case worker at the time of inquiry. Parents and caretakers who appear to be eligible may complete the formal application process on the same day as the informal inquiry.**
- 3. Eligibility case workers who are assessing informal child care inquiries shall:**
 - A. Review each applicant's need for child care based on the information that the applicant provides.
 - B. Review current case information in ASSIST Worker Web (AWW), if applicable.
 - C. Notify parents and caretakers whether they are potentially eligible for services. A written decision is not required for an informal inquiry.
 - D. Inform all parents and caretakers of their right to file a formal application.
 - E. Proceed with the formal application process for potentially eligible parents and caretakers on the same day as the informal inquiry.
 - F. Provide the applicant with Form 105 "Appointment and Request for Verification" when additional information is needed to complete the eligibility process.

(Break in Continuity of Sections)

11004.13 Determining Graduated Phase-Out for Child Care at Redetermination

45 CFR 98.21(b)

PROPOSED REGULATIONS

This policy applies to recipient families whose income exceeds the child care income limit at redetermination.

- 1 . **The graduated phase-out of assistance is provided to families that report during redetermination income exceeding ~~185%~~200% but falling at or below ~~200%~~300% of the Federal Poverty Level (FPL).**
- 2 . **The graduated phase-out of child care assistance has a two-tier income range applicable at the time of redetermination.**
 - Tier 1: Income over ~~185%~~200% of the FPL - the graduated phase-out of assistance begins.
 - Tier 2: Income over ~~200%~~300% of the FPL - the child care closes.
- 3 . **An additional twelve months of child care will be authorized at the time of the graduated phase-out.**
 - A. The family must continue to have a need for child care during the graduated phase-out period.
 - B. The family will remain eligible for the full twelve months of assistance even if during the graduated phase-out period the family's income increases above ~~200%~~300% of the FPL but remains below 85% of the State Median Income (SMI).
 - C. If the family's income exceeds 85% of the SMI during the graduated phase-out period, the child care will close.
- 4 . **A new parent fee ~~monthly copayment~~ will be set ~~determined~~ at the start of the graduated phase-out period.**

***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/october2025/proposed/29 DE Reg 279 10-01-25>

DEPARTMENT OF LABOR

DIVISION OF INDUSTRIAL AFFAIRS

Statutory Authority: 29 Delaware Code, Sections 6960 and 8503(7) (29 Del.C. §§6960 & 8503(7))
19 DE Admin. Code 1322

PROPOSED

PUBLIC NOTICE

1322 Delaware Prevailing Wage Regulations

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of in 29 Del.C., Ch. 11, Subch. III and 29 Del. C. § 10111(1), the Delaware Department of Labor, Division of Industrial Affairs, Office of Construction Industry Enforcement proposes to modify to amend its regulations for the Prevailing Wage Law as described in 29 Del C. § 6960.

In accordance with 29 Del.C. §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications to Rule No. 11 should direct them to the following address:

Francis Chudzik
Delaware Department of Labor
Division of Industrial Affairs
252 Chapman Road, Suite 210
Newark, DE 19702

Comments may also be directed via electronic mail to Francis.Chudzik@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Delaware Department of Labor no later than 4 p.m. EST, October 31, 2025.

Background

The prevailing wage law states that the specifications for every contract or aggregate of contracts relating to a public works project in excess of \$100,000 for new construction (including painting and decorating) or \$15,000 for alteration, repair, renovation, rehabilitation, demolition or reconstruction (including painting and decorating of building or works) to which this State or any subdivision thereof is a party and for which the State appropriated any part of the funds and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Delaware Department of Labor, Division of Industrial Affairs, to be prevailing in the county in which the work is to be performed.

Summary of Proposal

The proposed amendments will clarify the types of activity which fall under the prevailing wage statute; limit the number of fringe benefits deductions the Department will recognize; modify investigative procedures; expand the scope of the circumstances under which the Department shall hold administrative hearings; and make minor changes to the conduct of those hearings themselves. Minor amendments and changes are also inserted regarding other portions of the regulations.

Statutory Authority

29 Del.C. §8503(7)

29 Del.C. §8503(7) enables the Delaware Department of Labor to adopt and promulgate rules and regulations to implement the provisions of 29 Del. C. §6960, "Wage provisions in public construction contracts."

29 Del.C. §6960

29 Del.C. §6960 enables the Delaware Department of Labor, Division of Industrial Affairs to establish the prevailing wage for each respective craft or class of laborers and mechanics at the same rates established in collective bargaining agreements between labor organizations and their employers, or when collective bargaining agreement rates do not prevail, that govern work of a similar nature and similar crafts or classes of laborers and mechanics for the county where the public works contract will be performed if that particular labor organization's collective bargaining rate prevailed and they participated in the survey, for that particular trade or craft in that particular county.

*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/october2025/proposed/29 DE Reg 284RFA 10-01-25.pdf>

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 284 10-01-25>

DIVISION OF PAID LEAVE

Statutory Authority: 19 Delaware Code, Section 105 (19 Del.C. §105)
19 DE Admin. Code 1401

PROPOSED

PUBLIC NOTICE

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

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of [19 Del.C. §105](#), the Delaware Department of Labor ("Department"), through the Division of Paid Leave ("Division"), proposes to introduce amendments to this Regulation to set forth definitions, guidance, procedures, and standards for the implementation of the Family and Medical Leave Insurance Program ("PFML Insurance Program") under the Healthy Delaware Families Act ("Act"). As provided by the Act, the Division is authorized to administer and enforce the Act, the PFML Insurance Program, and this Regulation.

In accordance with [29 Del.C. §10116](#), persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

Christopher Counihan
Division Director, Division of Paid Leave
Delaware Department of Labor
248 Chapman Road, Suite C
Newark, DE 19702

Comments may also be directed via electronic mail to PFML@Delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the above contact at the Delaware Department of Labor no later than 4:00 p.m. EST, on October 31, 2025. The determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public in response to the proposed regulations.

Background

The Department is authorized by the General Assembly of the State of Delaware, to establish rules and regulations for the administration of the Act. Administering this Act is accomplished with the establishment of the Division, PFML Insurance Program, and the Family and Medical Leave Insurance Appeal Board ("Board"). The Department is further authorized to adopt and promulgate rules and regulations not inconsistent with Title 19 or of any other law of the State; provided, however that no such rule or regulation shall extend, modify, or conflict with any law of this State or the reasonable implications thereof; and provided further, that such rules and regulations, as established by the Department, shall focus primarily on the Act, PFML Insurance Program, and Board.

Summary of Proposal

Overall, the proposed amendments to this Regulation seek to provide greater consistency and predictability in the administration of the Act and the PFML Insurance Program. The proposed amendments revise the definition and description of the application year, clarify the definition of "employee" under the PFML Insurance Program, provide guidance for self-insured employers, and modify information collected by the Division. Many of the proposed revisions aim to bring the Regulation into compliance with recent amendments to the Act.

***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/october2025/proposed/29 DE Reg 286RFA 10-01-25.pdf>

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 286 10-01-25>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 23 Delaware Code, Section 2114 (23 Del.C. §2114)

7 DE Admin. Code 3100

PROPOSED

PUBLIC NOTICE

3100 Boating

SAN # 2025-05

Docket # 2025-R-F-0009

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

This action is needed to amend 7 DE Admin. Code 3100 to modernize Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and present federal law. The anticipated changes include increased thresholds for reportable accidents, updated administrative criteria for boating registration filing/processing, addition of required engine cut-off switches and changes to reflect modern terminology and conventions. The amendments should result in efficiencies to both the agency and regulated community. The amendments are not anticipated to have a detectable impact on the environment nor result in costs to the affected entities.

POSSIBLE TERMS OF THE AGENCY ACTION:

None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

Statutory basis for these changes is authorized under 23 Del.C. §2114.

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

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

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PROCEDURES:

The virtual public hearing (Docket # 2025-R-F-0009) will be held on Wednesday, October 22, 2025, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearing site at <https://de.gov/dnrehearings>. If prompted, use Meeting ID: 843 3278 9340 Passcode: 929289. To access the audio-only portion of the virtual hearing, dial (305) 224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC virtual public hearing must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://de.gov/dnrecomments> or by telephone at (302) 739-9001.

The proposed amendments may be inspected online starting October 1, 2025 at https://regulations.delaware.gov/register/current_issue or in-person, by appointment only, by contacting Drew T. Aydelotte, Delaware Natural Resources Police, 89 Kings Hwy., Dover 19901, by phone at (302) 739-9913, or by email at Drew.Aydelotte@delaware.gov.

PROPOSED REGULATIONS

Public comments will be received until close of business Thursday, November 6, 2025. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

PLEASE NOTE: Supplemental RFA information has been provided. Due to formatting of the supplemental information, it is not being published here. A copy of the document is available at:

<https://regulations.delaware.gov/register/October2025/22EF6CB6-56B1-416F-A5B4-402537EF3487>

***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/october2025/proposed/29 DE Reg 287RFA 10-01-25.pdf>

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 287 10-01-25>

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Examiners of Psychologists

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

PROPOSED

PUBLIC NOTICE

3500 Board of Examiners of Psychologists

The Delaware Board of Examiners of Psychologists, pursuant to 24 Del. C. § 3506(a)(1), proposes to clarify the number of face to face continuing education (CE) credits must be completed for psychology assistants and licensees with pro-rated CE requirements.

The Board will hold a public hearing on November 3, 2025, at 9:00 a.m. both virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until November 18, 2025.

***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/october2025/proposed/29 DE Reg 288RFA 10-01-25.pdf>

3500 Board of Examiners of Psychologists

(Break in Continuity of Sections)

6.0 Evaluation of Credentials

6.1 Candidates for licensure as psychologists in the State of Delaware shall:

6.1.1 Have received a doctoral degree based on a program of studies which is psychological in content and specifically designed to train and prepare psychologists. The doctoral degree must be from a college or university, accredited as required by 24 Del.C. §3508(a)(1) having a graduate program which states its purpose to be the training and preparation of psychologists Graduates of non-United States (U.S.)

degree programs will be required to have their credentials evaluated by a credential evaluation service approved by the National Association of Credential Evaluation Services, to determine equivalency to the accreditation requirements of §3508(a)(1) and equivalency of psychological content and training. The Board will consider programs to be psychological in content by the criteria established by the joint designation project of the Association of State and Provincial Psychology Boards and the Council for the National Register of Health Service Providers in Psychology, as follows:

- 6.1.1.1 Programs that are accredited by the American Psychological Association and Psychological Clinical Science Accreditation System are recognized as meeting the definition of a professional psychology program. The criteria for accreditation serves as a model for professional psychology training; or
- 6.1.1.2 All of the following criteria, (1) through (9):
 - 6.1.1.2.1 Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.
 - 6.1.1.2.2 The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.
 - 6.1.1.2.3 The psychology program must stand as a recognizable, coherent organizational entity within the institution.
 - 6.1.1.2.4 There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.
 - 6.1.1.2.5 The program must be an integrated, organized sequence of study.
 - 6.1.1.2.6 There must be an identifiable psychology faculty and a psychologist responsible for the program.
 - 6.1.1.2.7 The program must include a body of students who are matriculated in that program for a degree.
 - 6.1.1.2.8 The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.
 - 6.1.1.2.9 The program specifies education and training objectives in terms of competencies expected of its graduates. Those competencies must be consistent with:
 - 6.1.1.2.9.1 The program's philosophy and training models.
 - 6.1.1.2.9.2 The substantive areas of professional psychology for which the program prepares students at the entry level of practice.
 - 6.1.1.2.9.3 An understanding of professional issues, including ethical, legal, and quality assurance principles.
 - 6.1.1.2.10 In achieving its objectives, the program has implemented a clear and coherent curriculum plan that provides the means whereby all students can acquire and demonstrate substantial understanding of and competence in the following areas:
 - 6.1.1.2.10.1 The breadth of scientific psychology, its history of thought and development, its research methods, and its applications. To achieve this end, the students shall be exposed to the current body of knowledge in at least the following areas: biological aspects of behavior; cognitive and affective aspects of behavior; social aspects of behavior; history and systems of psychology; psychological measurement; research methodology; and techniques of data analysis:
 - 6.1.1.2.10.2 The scientific, methodological, and theoretical foundations of practice in the substantive ~~area(s)~~ area of professional psychology in which the program has its training emphasis. To achieve this end, the students shall be exposed to the current body of knowledge in at least the following areas: individual differences in behavior; human development; dysfunctional behavior or psychopathology; and professional standards and ethics:
 - 6.1.1.2.10.3 Diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies (including training in empirically supported procedures). To achieve this end, students shall be exposed to the current body of knowledge in at least the following areas: theories and methods of assessment and diagnosis; effective intervention; consultation and supervision; and evaluating the efficacy of interventions; and
 - 6.1.1.2.10.4 Issues of cultural and individual diversity that are relevant to all of the above.

- 6.2 Have had, after receiving the doctoral degree, at least 1 year of supervised experience in psychological work satisfactory to the Board; and
- 6.3 Have achieved the passing score on the written standardized Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards (ASPPB) or its successor.

(Break in Continuity of Sections)

10.0 Continuing Education

- 10.1 Hours required.
 - 10.1.1 The biennial licensing period begins August 1 of each odd-numbered year and ends July 31 of the next odd-numbered year.
 - 10.1.2 Psychologists must obtain 40 hours of continuing education during each biennial licensing period in order to be eligible for renewal of license. A minimum of 10 hours of continuing education credit must be obtained via ~~face-to-face~~ face-to-face or live webinar. All psychologists must complete 3 hours of continuing education in ethics and 3 hours in cultural inclusion, equity, and diversity.
 - 10.1.3 Psychological assistants must obtain 20 hours of continuing education during each biennial licensing period for re-registration. A minimum of 5 hours of continuing education credit must be obtained via face-to-face or live webinar. All psychological assistants must complete 3 hours of continuing education in ethics and 3 hours in cultural inclusion, equity, and diversity.
 - 10.1.4 A **"continuing education hour"** is defined as 1 60-minute period, unless otherwise specified.
- 10.2 Proration of CE Requirement for New and Reactivating Licensees
 - 10.2.1 The CE requirement shall be prorated as follows:
 - 10.2.1.1 If an applicant is granted a psychologist license or reactivates a license during the first 6 months of a license period, i.e., between July 31 of an odd-numbered year and January 31 of the next year, the new licensee must complete 30 CEs, with 2 hours of continuing education in ethics and 2 hours in cultural inclusion, equity, and diversity. An applicant granted a psychological assistant license in the same time period must complete 15 CEs, with 2 hours of continuing education in ethics and 2 hours in cultural inclusion, equity, and diversity in the initial licensing period. A minimum of 7.5 hours of continuing education credit must be obtained via face-to-face or live webinar.
 - 10.2.1.2 If an applicant is granted a psychologist license or reactivates a license during the second 6 months of a license period, i.e., between February 1 of an even-numbered year and July 31 of that same year, the new licensee must complete 20 CEs, with 1 hour of continuing education in ethics and 1 hour in cultural inclusion, equity, and diversity. An applicant granted a psychological assistant license in the same time period must complete 10 CEs, with 1 hour of continuing education in ethics and 1 hour in cultural inclusion, equity, and diversity in the initial licensing period. A minimum of 5 hours of continuing education credit must be obtained via face-to-face or live webinar.
 - 10.2.1.3 If an applicant is granted a psychologist license or reactivates a license during the third 6 months of a license period, i.e., between the dates of August 1 of an even-numbered year and January 31 of the next year, the licensee must complete 10 CEs, with 1 hour of continuing education in ethics and 1 hour in cultural inclusion, equity, and diversity. An applicant granted a psychological assistant license in the same time period must complete 5 CEs, with 1 hour of continuing education in ethics and 1 hour in cultural inclusion, equity, and diversity in the initial licensing period. A minimum of 2.5 hours of continuing education credit must be obtained via face-to-face or live webinar.
 - 10.2.1.4 Any applicant granted a license or licensee who has reactivated a license during the last 6 months of a license period, i.e., between the dates of February 1 of an odd-numbered year and July 31 of that same year, need not complete any CEs during that period.
- 10.3 Hardship. An applicant for license renewal or registered psychological assistant may be granted an extension of time in which to complete continuing education hours upon a showing of hardship. Hardship requests must be submitted to the Board prior to the end of the renewal period. Hardship may ~~include, but is not limited to,~~ include disability, illness, extended absence from the jurisdiction and exceptional family responsibilities. Requests for hardship consideration must be submitted to the Board in writing prior to the end of the licensing period, along with payment of the appropriate renewal fee.

- 10.4 It is the responsibility of the psychologist or psychological assistant to maintain documentation of completed continuing education for one year after the licensing period expires. Documentation of continuing education will consist of the information specified in subsection 13.5.3.
- 10.5 The subject of the continuing education must contribute directly to the professional competency of a person licensed to practice as a psychologist or registered as a psychological assistant. The activity must have significant intellectual or practical content and deal with psychological techniques, issues or ethical standards relevant to the practice of psychology.
- 10.6 Activities from APA-approved continuing education sponsors will be automatically accepted. The following may be eligible:
 - 10.6.1 Other programs which are not APA-approved sponsors but where the material is relevant to professional practice and provides the equivalent of APA-defined credit. An applicant must provide a brochure or other documentation that supports the following criteria: relevance, stated objectives, faculty and educational objectives. To document attendance and completion, a certificate of attendance is required. In these circumstances, hours will be accrued on the basis of clock hours involved in the training.
 - 10.6.2 Graduate courses relevant to professional practice taken for educational credit offered by a regionally accredited academic institution of higher education. Each credit hour of a course is equivalent to 5 CE hours. The course must end prior to the end of the renewal period. No more than 15 CE credits may be completed in this manner for any renewal period. Appropriate documentation of course completion must be demonstrated with a transcript and course description.
 - 10.6.3 Teaching an undergraduate or graduate level course in applied psychology at an accredited institution. Teaching a 3 hour semester or quarter course is considered the equivalent of 5 CE credits. No more than 5 CE credits may be completed in this manner for any renewal period and can be submitted only for the first time that a course is presented. Appropriate documentation of teaching must include the listing of the course in the school catalog and a letter from the academic institution stating that the course was taught.
 - 10.6.4 Teaching of a workshop or conduction of a seminar on a topic of pertinence to the practice of psychology. No more than 5 CE credits may be completed in this manner for any renewal period and can be submitted only for the first time that a course is presented. However, credit can be earned only once for teaching a particular seminar or workshop and not be eligible for re-submission at any time. Appropriate documentation is considered to be the brochure and demonstration of the workshop being held by the sponsoring entity.
 - 10.6.5 Authorship, editing or reviewing of a publication. Proof of CEs under subsection 10.6.5 must include submission of the work or documentation of authorship by copy of title pages. Credit may be earned only in the renewal period during which it is published, be commensurate with work performed, and is limited to the following:
 - 10.6.5.1 Author of a book (maximum of 15 CE hours per renewal period);
 - 10.6.5.2 Author of a book chapter or peer-reviewed journal article (maximum of 5 CE hours per renewal period);
 - 10.6.5.3 Primary editor of a book (maximum of 10 CE hours per renewal period); or
 - 10.6.5.4 Primary editor of or reviewer for a scientific or professional journal recognized by the Board (maximum 10 CE hours per renewal period).
 - 10.6.6 Preparing and presenting a scientific or professional paper or poster at a meeting of a professional or scientific organization. Up to 2 CE hours may be claimed for any single poster presentation. Up to 3 CE hours may be claimed for paper presentation. Listing within the program and certificate letters of attendance at the meeting is appropriate documentation for both a paper or poster presentation. Any presentations must take place during the renewal period and CEs can be submitted only for the first time presented in a unique subject. (Maximum of 15 CE hours per renewal period.)
- 10.7 The Board reserves the right to reject any CE credit, if it is outside the scope of the practice of psychology.
- 10.8 The following will not be considered for credit: service to organizations; attending business meetings of professional organizations; business management or office administration courses; group supervision; or case conferences.

(Break in Continuity of Sections)

15.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 15.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional

- Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.
- 15.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 15.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's ~~designate(s)~~ designate.
- 15.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.
- 15.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 15.8 of this section.
- 15.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
- 15.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
- 15.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
- 15.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
- 15.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment ~~program(s)~~ program. In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
- 15.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.

- 15.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 15.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 15.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 15.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 15.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
- 15.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
- 15.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

***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/october2025/proposed/29 DE Reg 288 10-01-25>

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.

You can review the proposed regulations in the October 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input "Reg. 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

PROPOSED REGULATIONS

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.” Written comments will be accepted on or before November 20, 2025, pursuant to [29 Del.C. §10118\(a\)](#).

The Commission will hold a public hearing on the proposed regulation on November 5, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the November 5, 2025 hearing, written comments must be submitted on or before October 29, 2025. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until November 20, 2025.

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

***Please Note:**

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 293RFA 10-01-25.pdf>

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 293 10-01-25>

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 117(g) and 209(a) (26 [Del.C. §§117\(g\) and 209\(a\)](#))

26 [DE Admin. Code](#) 3002

PROPOSED

PUBLIC NOTICE

3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions

PSC REGULATION DOCKET NO. 53

Opened: September 4, 1979

Reopened: November 20, 2024 (PSC Order No. 10561)

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission (“Commission” or “PSC”) pursuant to [26 Del.C. §§117\(g\) and 209\(a\)](#) proposes to revise the *Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions* codified at [26 DE Admin. Code 3002](#) (the “Regulation”). Previously, the PSC published proposed updates to the Regulation in the January 2025 *Register of Regulations* which were never finalized due to pending legislation and are, hereby, withdrawn. The proposed amendments to be published in the October 2025 *Register of Regulations* update the Regulation after the passage of House Bill 62 superseded major portions of the Regulation and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

You can review the proposed regulations in the October 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC’s electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input “Reg. 53”). If you wish to obtain written copies of the Order

and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in Delafile at <https://delafile.delaware.gov/> by filling out the “Public Comment Form” located under “Public Links”. Written comments can also be mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to psc@delaware.gov, with the subject line “Regulation Docket No. 53.” Written comments will be accepted on or before November 20, 2025, pursuant to **29 Del.C. §10118(a)**.

The Commission will hold a public hearing on the proposed regulation on November 5, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the November 5, 2025 hearing, written comments must be submitted on or before October 29, 2025. Pursuant to **29 Del.C. §10118(a)**, written comments will be accepted after the hearing until November 20, 2025.

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

***Please Note: 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/october2025/proposed/29 DE Reg 294RFA 10-01-25.pdf>

3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions

PSC REGULATION DOCKET NO. 53
(Opened: April 15, 2003 (PSC Order No. 6148))

1.0 — General

1.1 — Authority

~~These regulations are adopted pursuant to the authority granted to the Public Service Commission under **26 Del.C. §209(a)** and **29 Del.C. §101**.~~

1.2 — Application and Purpose

~~These regulations establish uniform procedures which must be followed prior to termination of service for non-payment during the heating or cooling season and apply to all covered utilities. The purpose of these regulations is to protect public health, safety, and property by taking reasonable steps to insure that an individual has the opportunity to act to avoid termination of certain utility services for non-payment during the heating or cooling season without imposing substantial additional cost on other utility customers. Notwithstanding anything stated in these regulations to the contrary, the provisions of these regulations do not apply during the cooling season to a customer of a natural gas utility, unless the natural gas utility provides natural gas service for space cooling to the customer's dwelling unit.~~

2.01.0 Definitions

~~“Cooling Season” means that portion of the calendar year extending from June 1 through September 30.~~

~~“Covered Utility” utility means any utility regulated by the Public Service Commission of Delaware that supplies electric or natural gas service to a dwelling unit.~~

~~“Dwelling Unit” unit means one or more rooms arranged for the use of one or more individuals as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.~~

~~“Heat Index” a measure utilized by the National Weather Service of the apparent temperature (how hot it feels) when relative humidity is added to the actual air temperature.~~

~~“Heating Season” means that portion of the calendar year extending from November 15 to March 31.~~

~~“Personal Contact” means a face-to-face meeting between the customer or responsible occupant of the premises served and an employee of the covered utility who is authorized to receive payment and issue a receipt or make other arrangements for payment.~~

~~“Written Notice” means notice in writing, mailed by First Class mail to the person who is being given notice, using the current billing address as shown on the records of the utility.~~

3.02.0 Prohibitions Notice

~~3.12.1~~ Written and Verbal Notice Notice of termination of service in accordance with 26 **Del.C.** §117 must include:

~~3.12.1.1~~ Notwithstanding any tariff provision or contract provision to the contrary, no covered utility shall terminate service to a dwelling unit during the heating or cooling season for non-payment of a past due bill or bills, unless at least fourteen (14) calendar days prior to such termination, written notice is given to the customer. The notice shall state the fact of impending termination, the date on or after which such termination will occur, and the steps which may be taken to avoid such termination. In addition, during the heating season, the covered utility shall make at least two (2) documented attempts on separate days to contact the customer by telephone prior to actual termination of service. One such attempt shall be after 6:00 P.M. During the cooling season, the covered utility shall make at least one (1) documented attempt to contact the customer by telephone prior to actual termination of service. The names, telephone numbers, and addresses of the persons or office authorized to receive notification of the existence of a good faith dispute concerning unpaid bill or bills and empowered to resolve such disputes; and

~~2.1.2~~ A list of the names and numbers of organizations the customer can contact to obtain charitable or governmental assistance.

~~3.1.2~~ During the heating season only, in those situations where the billing address is different from the location at which the service is being provided, the advance written notice required by §3.1.1 must also be given to the occupant of the premises being served.

3.22.2 Content of Notice Third-Party Notice

The written and verbal notice required by §3.1.1 shall, at a minimum, include notification of the following:

~~3.2.12.2.1~~ The date on or after which termination of service will occur unless some satisfactory arrangement is made for the payment of the undisputed delinquent bill or bills, which date shall be no less than fourteen (14) calendar days from the mailing of written notice. All covered utilities shall inform all of their customers of the availability of the third-party notification program offered by the utility.

~~3.2.22.2.2~~ That if there is a good faith dispute concerning the unpaid bill or bills, termination of service will not take place pending determination of the dispute, provided the utility is notified of the existence of the dispute prior to actual termination. In this regard, the utility must also give the name or names of the persons or office authorized to receive notification of the existence of the dispute and empowered to resolve such disputes, together with the telephone number and address at which such persons or office can be contacted and notified of the existence of a dispute. No covered utility shall be required to delay termination of service pending resolution of a disputed bill or bills where the undisputed portion of the bill or bills would otherwise justify termination of service or where the customer does not agree to pay current undisputed bills as they become due and to eliminate undisputed arrearages by installment payments. Service will not be reconnected after termination for non-payment on the grounds that a good faith dispute exists unless and until arrangements satisfactory to the covered utility have been made for payment in the event the dispute is resolved in favor of the utility. If a customer designates a third-party to receive the notice of termination of service and the third party indicates, in writing, willingness to receive such notice on behalf of the customer in accordance with 26 **Del.C.** §117(b)(2), then the covered utility must send notice required by 26 **Del.C.** §117 to both the customer and the designated third party.

~~3.2.3~~ That if the customer is unable to pay the full amount of the undisputed bill or bills, termination of service may be avoided by entering into an initial installment agreement with the utility whereby the customer will agree to pay current bills as they become due and eliminate, by monthly installment payments, the undisputed arrearage over a period of not less than that during which the unpaid bills were incurred with interest on the unpaid balance at the next billing date. If the customer violates the initial installment agreement, the limitation on the minimum duration of the initial installment agreement shall not apply to any subsequent installment agreement. The interest rate shall be set forth in the approved tariff of the covered utility. The name, address, and telephone number of the utility employees or office empowered to enter into installment arrangements on behalf of the covered utility must be provided to the customer.

~~3.2.4~~ That if the customer is unable to pay the undisputed bill or bills in full, or to enter into a satisfactory reasonable installment arrangement, there are charitable or governmental organizations or agencies that may be able to assist customers who are so situated and that the customer should immediately contact such organizations. The written notice required by §3.1.1 shall contain either a list of those organizations who have notified the covered utility that they may be able to assist customers, or the

~~name and telephone number of an organization that the customer can contact to obtain such information.~~

~~3.2.5 That if any occupant of the dwelling unit is so ill that termination of the utility service would adversely affect health or recovery, which fact has been certified by a statement from any licensed Delaware physician or any accredited Christian Science practitioner, when such certification is received by the covered utility or its employee, termination of service is prohibited by Delaware Law (26 Del.C. §117(d)).~~

~~3.3 Final Contact Prior to Termination~~

~~The employee of the utility who is to disconnect service shall make a reasonable good faith attempt to make personal contact at the premises to be disconnected. If personal contact is made, the employee shall:~~

~~3.3.1 Identify himself or herself to the customer or some responsible person then upon the premises and shall announce the purpose of his or her presence.~~

~~3.3.2 Identify and record the name of the person contacted.~~

~~3.3.3 Accept payment of all amounts tendered which are necessary to avert disconnection and issue a receipt for such payment. If the form of payment is unacceptable to the utility, the employee can make other payment arrangements with the customer.~~

~~3.3.4 Record and report to his or her supervisor any statements disputing the accuracy of the utility's findings concerning the cause for termination of service.~~

~~3.3.5 Record and report to his or her supervisor statements or other information concerning the existence of any condition on the premises which would result in a medical emergency if service were terminated.~~

~~3.3.6 Receive written certification from a duly licensed Delaware physician or accredited Christian Science practitioner that a named occupant of the dwelling unit is so ill that termination of service will adversely affect the occupant's health or recovery. Upon receipt of such certification, the utility shall not disconnect service.~~

4.0 Third Party Notice

4.1 Non-Mandatory Third Party Notice

~~All covered utilities shall inform all of their customers of the availability of any third party notification program offered by the utility, whereby the customer can designate, in writing, a third person to receive notice of past due bills and written notice of termination of service. The third party so designated must indicate, in writing, willingness to receive such notice and shall not be held, in any way, liable to the utility by reason of acceptance of third party status.~~

4.2 Termination Notice Without Third Party Notice Program

~~No covered utility without a third party notice program, shall terminate service to a dwelling unit during the heating or cooling season without first having given the written notice required by §3.1 and, in addition, having made actual contact on a face-to-face basis with an occupant over the age of 15 years of such dwelling unit, giving the minimum notice set forth in §3.3.~~

4.3 Information Concerning Third Party Notice

~~If a covered utility adopts such a program, the utility shall take appropriate steps to see that all customers are aware of the existence of the third party notice program.~~

5.0 Termination Of Service To Multiple Occupancy Dwelling Units Served Through A Master Meter

5.1 Prohibition

~~Notwithstanding any tariff provision or contract provision to the contrary, no covered utility shall terminate service during the heating or cooling season to any apartment complex, trailer park, or other grouping of individual residential dwelling units to which service is provided directly or indirectly through a master meter without individual meters, unless such utility has provided the notice required in §§ 5.2 and 5.3.~~

5.2 Notice to Owner

~~A written notice pursuant to § 5.1 shall be sent by First Class mail not less than fourteen (14) calendar days prior to the scheduled date of termination for non-payment to the owner of the premises affected or in lieu thereof, to the person, firm, or corporation to whom or which the last preceding bill has been rendered or from whom or which the covered utility has received payment. The content of such notice shall, at minimum, include the notification required by § 3.2.~~

5.3 Notice to Occupants

~~The covered utility shall, at least ten (10) calendar days prior to termination for non-payment, provide notice to the occupants, which notice shall state the intended date of termination of service, the amount due for such~~

service, and the procedure by which any tenant or public agency may make or guarantee such payment, and thereby avoid termination of service.

Such notice to occupants shall either be mailed by first class mail to the "occupant" of each dwelling unit in the building complex to which service is proposed to be terminated or posted in a conspicuous place or places at each building subject to termination, including common areas accessible to the utility.

2.3 Termination of Service to Multiple Occupancy Dwelling Units Served Through a Master Meter

2.3.1 If termination of service involves an apartment complex, trailer park, or other grouping of individual residential dwelling units to which service is provided directly or indirectly through a master meter without individual meters, the covered utility must provide written notice required by 26 Del.C. §117 and this regulation to all occupants of each dwelling unit in the complex in which service is proposed to be terminated.

5.42.3.2 Notice to State . Not less than ~~fourteen (14)~~ 14 calendar days prior to termination of service to a multiple occupancy dwelling unit, the covered utility shall provide written notice of its intention to so terminate to the Public Service Commission of the State of Delaware, and to the Division of the Public Advocate.

6.0 Prohibition On Termination During Extreme Seasonal Temperature Conditions

6.1 Conditions of Termination

6.1.1 Heating Season

~~Under no circumstances may a covered utility terminate service for non-payment to a dwelling unit on a day when the National Weather Service reports that the 8:00 A.M. temperature measured at a location in the State of Delaware that is within fifty (50) miles of the subject dwelling unit is thirty-two degrees Fahrenheit (32°F) or below on the morning of the date when said service is scheduled for termination.~~

6.1.2 Cooling Season

~~Under no circumstances may a covered utility terminate service for non-payment to a dwelling unit on a day when the 8:00 A.M. National Weather Service forecast contains a special weather statement or other information predicting that the Heat Index measured at a location in the State of Delaware that is within fifty (50) miles of the subject dwelling unit may equal or exceed one-hundred five degrees Fahrenheit (105°F) on the date when said service is scheduled for termination.~~

6.2 Deferred Termination

~~Where termination of service, otherwise authorized, has been deferred by virtue of § 6.1, notice of such fact shall be left at the subject dwelling unit on the date on which termination was to be effected, notifying the occupant that unless proper payment arrangements are made, service will be terminated thereafter on a day when § 6.1 does not apply. If the termination of service involves an apartment complex, trailer park, or other grouping of individual residential dwelling units to which service is provided directly or indirectly through a master meter without individual meters, the notice required by this section shall be deemed sufficient if the notice is given in accordance with § 5.3.~~

3.0 Termination of Service

~~No covered utility shall be required to delay termination of service pending resolution of a disputed bill or bills where the undisputed portion of the bill or bills would otherwise justify termination of service or where the customer does not agree to pay current undisputed bills as they become due and to eliminate undisputed arrearages by installment payments. Service will not be reconnected after termination for non-payment on the grounds that a good faith dispute exists unless and until arrangements satisfactory to the covered utility have been made for payment in the event the dispute is resolved in favor of the utility.~~

7.04.0 Penalty And Burden Of Proof

7.14.1 Penalty

~~Any covered utility determined, after hearing, to have terminated service for non-payment to a dwelling unit or multiple occupancy dwelling unit in violation of these regulations, may be fined an amount equal to twice the amount of arrearage for which service was terminated, or such lesser amount as deemed appropriate after full consideration of the circumstances. The fine which may be imposed shall not exceed the sum of \$1,000 for each day during which the termination is in violation of these regulations. Penalty. If, after a hearing, the Commission, presiding officer, or hearing examiner finds that a covered utility terminated service in violation of 26 Del.C. §117 or this regulation, the Commission, presiding officer, or hearing examiner may fine the covered utility an amount not to exceed twice the amount of arrearages for which service was terminated or \$1,000 for each day during which the termination violated 26 Del.C. §117 or this regulation.~~

7.24.2 ~~Burden of Proof~~Proof. The burden of proof of compliance with ~~these regulations~~this regulation shall be upon the covered utility at any proceeding instituted by formal written complaint to or upon motion of the Public Service Commission of Delaware. The Commission specifically reserves the right to randomly select termination cases and require the covered utility to appear before the Commission at a duly noticed hearing and establish compliance with ~~these regulations~~this regulation.

PUBLIC SERVICE COMMISSION
Statutory Authority: 26 Delaware Code, Section 209(a) (26 **Del.C.** §209(a))
26 **DE Admin. Code** 3012

PROPOSED

PUBLIC NOTICE

3012 Rules for Regulation of Net Metering

PSC REGULATION DOCKET NO. 3012

Opened: September 22, 2009

Reopened: May 14, 2025 (PSC Order No. 10703)

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 Regulation of Net Metering* codified at **26 DE Admin. Code 3012** (the “Regulation”) to comply with Senate Bill 175, expand technical options for customers through meter adapters and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

You can review the proposed regulations in the October 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC’s electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input “Reg. 3012”). 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. 3012.” Written comments will be accepted on or before November 20, 2025, pursuant to **29 Del.C. §10118(a)**.

The Commission will hold a public hearing on the proposed regulation on November 5, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the November 5, 2025 hearing, written comments must be submitted on or before October 29, 2025. Pursuant to **29 Del.C. §10118(a)**, written comments will be accepted after the hearing until November 20, 2025.

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

***Please Note:**

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 299RFA 10-01-25.pdf>

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 299 10-01-25>

PROPOSED REGULATIONS

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Statutory Authority: 29 Delaware Code, Chapter 100 (29 **Del.C.** Ch. 100)
8 **DE Admin. Code** 1400

PROPOSED

PUBLIC NOTICE

1400 Policies and Procedures Regarding FOIA Requests

Pursuant to the authority provided by 29 **Del.C.** Ch. 100, the Delaware Department of Transportation (DelDOT) adopted 1400 Policies and Procedures Regarding FOIA Requests.

DelDOT, through its the Office of the Secretary, seeks to adopt revisions to its existing regulation.

The changes are administrative in nature, whereas DelDOT corrected formatting issues per the updated *Registrar's Drafting and Style Manual*, clarified and updated old Delaware Code citations, updated DelDOT's contact information, clarified Section 3.0, and added a definition in Section 2.0. These changes serve to clarify the intent of DelDOT as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 1400 of Title 8, Delaware Administrative Code, from October 1, 2025 through October 31, 2025. The public may submit their comments to:

Charles "C.R." McLeod, Director of Community Relations, Office of the Secretary
(Charles.mcleod@delaware.gov) or in writing to his attention:

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

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

<https://regulations.delaware.gov/register/october2025/proposed/29 DE Reg 300RFA 10-01-25.pdf>

1400 Policies and Procedures Regarding FOIA Requests

1.0 Purpose

- 1.1 The purpose of this policy is to set forth the rules and procedures for responding to requests from the public for ~~Public Records~~ public records under Title 29, Chapter 100 of the **Delaware Code**, the Freedom of Information Act.
- 1.2 Agency employees are reminded that all Public Records requested under FOIA shall be considered open and subject to disclosure to the Requesting Party, and any information therein may be withheld only if a specific exception applies. Exceptions shall be construed in a manner that shall further the accountability of the Agency and to comply with the policy that the public shall have reasonable access to ~~Public Records~~ public records.

2.0 Definitions

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

"Agency" means Delaware Department of Transportation.

"Designee" means those Delaware Department of Transportation employees whose job duties include assisting the FOIA Coordinator with preparing responses to FOIA requests.

"FOIA" means the Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the **Delaware Code**.

"FOIA Coordinator~~coordinator~~" shall mean the person designated by the Secretary to receive and process FOIA Requests.

"FOIA Request ~~request~~" or "**Request request**" means a request to inspect or copy Public Records pursuant to Chapter 29, Section 10003 of the **Delaware Code** and in accordance with the policy hereunder.

"FOIA Request Form~~request form~~" means the form promulgated by the Office of the Attorney General upon which requests for Public Records may be made.

"Non-Custodial Records-~~custodial records~~" shall have the meaning set forth in ~~Sections~~ subsection 3.6.

"Public Record~~record~~" shall have the meaning set forth in 29 Del.C. §10002.

"Requesting Party~~party~~" shall mean the party filing a FOIA Request.

"Secretary" means the Secretary of Transportation.

3.0 Records Request, Response Procedures and Access

3.1 Form of Request

3.1.1 All FOIA Requests requests shall be made in writing to the Agency in person, by email, by fax, or online in accordance with the provisions hereunder. FOIA Requests may be submitted using the FOIA Request Form request form promulgated by the Office of the Attorney General; provided, however, that any FOIA Request that otherwise conforms with the policy hereunder shall not be denied solely because the request is not on the promulgated form. Copies of the FOIA Request Form request form may be obtained from the Agency's website, or from the office or website of any state agency.

3.1.2 All ~~requests shall adequately describe the records sought in sufficient detail to enable the Agency to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist the Agency in locating the requested records, the Agency may request that the Requesting Party provide additional information known to the Requesting Party, such the types of records, dates, parties to correspondence, and subject matter of the requested records. Requests for records which are submitted directly to Agency employees, whether via email, phone call, facsimile or other means of submission will be routed to the FOIA coordinator or designee and will be treated as a FOIA request. The FOIA coordinator or designee will then respond to the request in the same manner and time frame as a FOIA Request submitted pursuant to subsection 3.1.1.~~

3.1.3 All requests shall adequately describe the records sought in sufficient detail to enable the Agency to locate such records with reasonable effort. The requesting party shall be as specific as possible when requesting records. To assist the Agency in locating the requested records, the Agency may request that the requesting party provide additional information known to the requesting party, such the types of records, dates, parties to correspondence, and subject matter of the requested records.

3.2 Method of Filing Request~~Request~~.

3.2.4 FOIA Requests may be made by mail or in person to the FOIA Coordinator at Delaware Department of Transportation, 800 S. Bay Road, PO Box 778, Dover, Delaware 19904 ~~19903~~, by email to dotpr@state.de.us ~~DOT.FOIA@delaware.gov~~, by fax at 302-739-2092; or via online request form, which may be found on the Agency's FOIA home page at deldot.gov/https://deldot.gov/OnlineServices/foia/index.shtml.

3.3 FOIA Coordinator

3.3.1 The ~~Secretary~~ Secretary shall designate a FOIA ~~Coordinator~~ coordinator, who shall serve as the point of contact for FOIA Requests requests and coordinate the Agency's responses thereto. The FOIA ~~Coordinator~~ coordinator shall be identified on the Agency's website. The FOIA ~~Coordinator~~ coordinator may designate other Agency employees to perform specific duties and functions hereunder.

3.3.2 The FOIA Coordinator ~~and/or his or her designee~~ designee, working in cooperation with other Agency employees and representatives, shall make every reasonable effort to assist the ~~Requesting Party~~ requesting party in identifying the records being sought, and to assist the Agency in locating and providing the requested records. The FOIA ~~Coordinator~~ coordinator ~~and/or his or her or~~ designee will also work to foster cooperation between the Agency and the Requesting Party. Without limitation, if a Requesting Party initiates a FOIA Request that would more appropriately be directed to another agency, the FOIA Coordinator shall promptly forward such request to the relevant agency and promptly notify the Requesting Party that the request has been forwarded. The Agency may close the initial request upon receipt of a written confirmation from the FOIA Coordinator of the relevant agency that the relevant agency has received such request. The Agency shall provide the Requesting Party with the name and phone number of the FOIA Coordinator of the relevant agency requesting party.

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- 3.3.3 ~~In addition to the foregoing responsibilities, the FOIA Coordinator shall maintain a document tracking all FOIA Requests for the then-current calendar year. For each FOIA Request, the document shall include, at a minimum: the Requesting Party's contact information; the date the Agency received the Request; the Agency's response deadline pursuant to §3.4; the date of the Agency's response pursuant to §3.4 (including the reasons for any extension pursuant to §3.4.1); the names, contact information and dates of correspondence with individuals contacted in connection with requests pursuant to §§3.3.2, 3.5 and 3.6; the dates of review by the Agency pursuant to §3.7 and the names of individuals who conducted such reviews; whether documents were made available; the amount of copying and/or administrative fees assessed; and the date of final disposition.~~
- 3.3.3 Without limitation, if a requesting party initiates a FOIA request that would more appropriately be directed to another agency, the FOIA coordinator or designee shall promptly forward such request to the relevant agency and promptly notify the requesting party that the request has been forwarded. The Agency may close the initial request upon receipt of a written confirmation from the FOIA coordinator of the relevant agency that the relevant agency has received such request. The Agency shall provide the requesting party with the name and phone number of the FOIA coordinator of the relevant agency.
- 3.3.4 In addition to the foregoing responsibilities, the FOIA coordinator shall maintain a document tracking all FOIA Requests for the then-current calendar year. For each FOIA request, the document shall include, at a minimum: the Agency FOIA number assigned; the requesting party's contact information; the date the Agency received the request; the agency's response deadline pursuant to subsection 3.4; the date of the Agency's response pursuant to subsection 3.4 (including the reasons for any extension pursuant to subsection 3.4.1); the names, contact information and dates of correspondence with individuals contacted in connection with requests pursuant to subsections 3.3.2, 3.5 and 3.6; the dates of review by the Agency pursuant to subsection 3.7 and the names of individuals who conducted such reviews; whether documents were made available; the amount of copying fees assessed; the amount of administrative fees assessed; and the date of final disposition.
- 3.4 Agency Response to Requests
- 3.4.1 The Agency shall respond to a FOIA Request as soon as possible, but in any event within ~~fifteen (15)~~15 business days after the receipt thereof, either by providing access to the requested records; denying access to the records or parts of them; or by advising that additional time is needed because the request is for voluminous records, requires legal advice, or a record is in storage or archived. If access cannot be provided within ~~fifteen (15)~~15 business days, the Agency shall cite ~~one~~1 of the reasons hereunder why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request.
- 3.4.2 If the Agency denies a request in whole or in part, the Agency's response shall indicate the reasons for the denial. The Agency shall not be required to provide an index, or any other compilation, as to each record or part of a record denied.
- 3.5 Requests for Email
- 3.5.1 Requests for email records shall be fulfilled by the Agency from its own records, if doing so can be accomplished by the Agency with reasonable effort. If the Agency determines that it cannot fulfill all or any portion of such request, the Agency shall promptly request that the Department of Technology and Information ("DTI") provide the email records to the Agency. Upon receipt from DTI, the Agency may review the email records in accordance with §subsection 3.7 hereunder of this regulation.
- 3.5.2 Before requesting DTI to provide email records, the Agency shall provide a written cost estimate from DTI to the Requesting Party, listing all charges expected to be incurred by DTI in retrieving such records. Upon receipt of the estimate, the Requesting Party may decide whether to proceed with, cancel or modify the request.
- 3.6 Requests for Other Non-Custodial Records
- 3.6.1 If all or any portion of a FOIA Request seeks records controlled by the Agency but that are either not within its possession or cannot otherwise be fulfilled by the Agency with reasonable effort from records it possesses (collectively, the "Non-Custodial Records" "non-custodial records"); then the Agency shall promptly request that the relevant public body provide the Non-Custodial Records non-custodial records to the Agency. Prior to disclosure, records may be reviewed in accordance with §3.7 hereunder by the Agency, the public body fulfilling the request, or both. Without limitation, Non-Custodial Records non-custodial records shall include budget data relating to the Agency.
- 3.6.2 Before requesting any Non-Custodial Records non-custodial records, the Agency shall provide a written cost estimate to the Requesting Party requesting party, listing all charges expected to be incurred in

retrieving such records. Upon receipt of the estimate, the Requesting Party may decide whether to proceed with, cancel or modify the request.

3.7 Review by Agency

3.7.4 Prior to disclosure, records may be reviewed by the Agency to ensure that those records or portions of records deemed non-public may be removed pursuant to 29 ~~Del.C. §10002(g)~~ §10002(o) or any other applicable provision of law. In reviewing the records, all documents shall be considered Public Records unless subject to ~~one~~ 1 of the exceptions set forth in 29 ~~Del.C. §10002(g)~~ §10002(o) or any other applicable provision of law. Nothing herein shall prohibit the Agency from disclosing or permitting access to ~~Public Records~~ public records if the Agency determines to disclose such records, except where such disclosure or access is otherwise prohibited by law or regulation.

3.8 Hours of Review

3.8.4 The Agency shall provide reasonable access for reviewing ~~Public Records~~ public records during regular business hours.

4.0 Fees

4.1 Photocopying Fees

4.1.1 In instances in which paper records are provided to the ~~Requesting Party~~ requesting party, photocopying fees shall be as follows:

4.1.1.1 Standard Sized, Black and White Copies: The first 20 pages of standard sized, black and white copied material shall be provided free of charge. The charge for copying standard sized, black and white Public Records for copies over and above 20 shall be \$0.10 per sheet (i.e., \$0.10 for a single-sided sheet, \$0.20 for a double-sided sheet). This charge applies to copies on the following standard paper sizes: 8.5" x 11"; 8.5" x 14"; and 11" x 17".

4.1.1.2 Oversized Copies/Printouts: The charge for copying oversized Public Records shall be as follows:

18" x 22":	\$2.00 per sheet
24" x 36":	\$3.00 per sheet
Documents larger than 24" x 36":	\$1.00 per square foot
18" x 22":	\$2.00 per sheet
24" x 36":	\$3.00 per sheet
Documents larger than 24" x 36":	\$1.00 per square foot

4.1.1.3 Color Copies/Printouts: An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard sized copies (8.5" x 11"; 8.5" x 14"; and 11" x 17"), and \$1.50 per sheet for larger copies.

4.2 Administrative Fees

4.2.1 Administrative fees shall be levied for requests requiring more than ~~one~~ 1 hour of staff time to process.

4.2.1.1 Charges for administrative fees may include staff time associated with processing FOIA Requests, including, without limitation, requests, including:

4.2.1.1.1 (a) ~~identifying~~ Identifying records;

4.2.1.1.2 (b) ~~monitoring~~ Monitoring file reviews; and

4.2.1.1.3 (c) ~~generating~~ Generating computer records (electronic or print-outs).

4.2.1.2 Administrative fees shall not include any cost associated with the Agency's legal review of whether any portion of the requested records is exempt from FOIA. The Agency shall make every effort to ensure that administrative fees are minimized, and may only assess such charges as shall be reasonably required to process FOIA Requests requests. In connection therewith, the Agency shall minimize the use of non-administrative personnel in processing FOIA Requests requests, to the extent possible.

4.2.2 Prior to fulfilling any request that would require a ~~Requesting Party~~ requesting party to incur administrative fees, the Agency shall provide a written cost estimate of such fees to the ~~Requesting Party~~ requesting party, listing all charges expected to be incurred in retrieving such records. Upon

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receipt of the estimate, the ~~Requesting Party~~ requesting party may decide whether to proceed with, cancel or modify the request.

- 4.2.3 Administrative fees will be billed to the ~~Requesting Party~~ requesting party per quarter hour. These charges will be billed at the current hourly pay grade (pro-rated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this Section 44.0, including copying fees.
- 4.2.4 When multiple FOIA Requests are submitted by or on behalf of a ~~Requesting Party~~ requesting party in an effort to avoid incurring administrative charges, the Agency may in its discretion aggregate staff time for all such requests when computing fees hereunder.
- 4.3 Microfilm ~~and/or~~ or Microfiche Printouts: The first 20 pages of standard sized, black and white material copied from microfilm ~~and/or~~ or microfiche shall be provided free of charge. The charge for microfilm ~~and/or~~ or microfiche printouts over and above 20 shall be \$0.15 per sheet.
- 4.4 Electronically Generated Records: Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD, or other electronic storage costs) and administrative costs.
- 4.5 Payment
- 4.5.1 The Agency may require all fees to be paid prior to any service being performed hereunder.
- 4.5.2 The Agency may require pre-payment of all fees prior to fulfillment of any request for records hereunder.
- 4.6 Waiver of Fees Pursuant to Prior Policy
- 4.6.1 ~~Notwithstanding anything herein to the contrary, if any executive branch agency subject to this policy had The Agency had a FOIA policy in effect as of October 20, 2011, and such policy included a waiver of any copying or administrative fees (i.e., for non-profit organizations or members of the media), then such agency shall have the right (but not the obligation) to continue such waiver of fees. As such, the Agency has the right (but not the obligation) to continue such waiver of fees at the discretion of the FOIA coordinator.~~
- 4.7 Appointment Rescheduling or Cancellation: ~~Requesting Parties~~ requesting parties who do not reschedule or cancel appointments to view files at least ~~one~~1 full business day in advance of the appointment may be subject to the charges incurred by the Agency in preparing the requested records. The Agency shall prepare an itemized invoice of these charges and provide the same to the ~~Requesting Party~~ requesting party for payment.

5.0 Applicability

To the extent any provision in this ~~policy~~ regulation conflicts with ~~the provisions of Title 29, Chapter 100, the provisions of Title 29, Chapter 100~~ any other law or regulation, such ~~law or regulation~~ shall control, and the conflicting provision herein is expressly superseded.

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

14 **DE Admin. Code** 294

FINAL

ORDER

294 Data Governance

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§121, 122 and 4111, the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 294 Data Governance. 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. There are no content changes needed, but the regulation was amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on December 1, 2024. The Department did not receive any written submittals concerning the proposed regulation.

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

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

III. Findings of Facts

The Department finds that no amendments to 14 **DE Admin. Code** 294 Data Governance are necessary to implement and enforce 14 **Del.C.** §4111. Accordingly, the Department finds that it is appropriate not to amend 14 **DE**

FINAL REGULATIONS

Admin. Code 294 Data Governance beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to minimally amend **14 DE Admin. Code 294** Data Governance to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to **14 Del.C. §§121, 122 and 4111, 14 DE Admin. Code 294** Data Governance, attached hereto as Exhibit A, is hereby amended.

V. Text and Citation

The text of **14 DE Admin. Code 294** Data Governance amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. Code 294** Data Governance 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 21st day of August 2025

**Department of Education
Cynthia Marten, Secretary of Education**

Approved this 21st day of August 2025

/s/ Shawn Brittingham
Shawn Brittingham, President

/s/ Deborah Stevens
Deborah Stevens, Vice President

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

/s/ Rajalakshmi Lodhavia
Rajalakshmi Lodhavia

/s/ Rev. Provey Powell, Jr.
Rev. Provey Powell, Jr.

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

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

294 Data Governance

1.0 Purpose

The purpose of this regulation is to outline the criteria and process for interagency data governance and the conduction of evaluation, audits audits, and studies pursuant to **14 Del.C. §§121, 122 and 4111**.

2.0 Definitions

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

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

"**Educational Record**" shall mean personally identifiable student information, maintained by an education agency or institution, as defined by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g)

and its implementing regulations at 34 CFR part 99, and the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq. and its implementing regulations, and other applicable federal and state privacy and confidentiality laws.

"**Longitudinal Data System**" data system" means a structure and mechanism for the storage, description, management and reporting of discrete data elements and bodies of information over time.

"**Personally Identifiable Information**" refers to identifiable information" means information which, alone or in combination with other information, can be used to distinguish or trace an individual's identity and shall include, ~~but not be limited to,~~ the names and addresses of students, parents or other family members, and personal identifiers such as social security or student numbers.

"**P-20 Council**" means the council established by 14 ~~Del.C.~~, Del.C. §107 to coordinate educational efforts of publicly-funded programs from early care through higher education and to foster partnerships among groups concerned with public education.

"**Research Agenda**" agenda" means a roster of research questions that require shared data elements and subject to periodic review and revision. Research questions may reflect federal and state reporting requirements or may be discretionary.

3.0 Longitudinal Data System Governance

The Longitudinal Data System longitudinal data system developed and administered by the Department is governed by the Delaware P-20 Council Data Governance Handbook, initially approved by the P-20 Council on January 10, 2012, and as may be amended from time to time.

4.0 Acquisition, Use ~~Use~~, and Disposal of Data

4.1 The Department shall collect and maintain data, including ~~Personally Identifiable Information~~ personally identifiable information, in compliance with its rights and obligations under federal and state laws.

4.2 The Department shall provide data, including ~~Personally Identifiable Information~~ personally identifiable information, to implement applicable ~~Research Agendas~~ research agendas established by the P-20 Council.

4.3 When a ~~Research Agenda~~ research agenda is established by the P-20 Council which requires the use of ~~Personally Identifiable Information~~ personally identifiable information from data collected and maintained or to be collected and maintained by the Department, a written agreement in the form prescribed by the Department shall be entered ~~into~~.

4.3.1 If the ~~Research Agenda~~ research agenda is to conduct a study for or on behalf of school, school district or postsecondary institutions it must be for the purpose of: improving instruction; developing, validating, or administering predictive tests; or administering student aid programs. In the case of such a study, the written agreement shall, at a minimum, do the following:

4.3.1.1 Specify the purpose, scope and duration of the study and the information to be disclosed; and

4.3.1.2 Require the organization to: use ~~Personally Identifiable Information~~ personally identifiable information only to meet the purpose(s) purpose of the study; limit access to ~~Personally Identifiable Information~~ personally identifiable information to those with legitimate interests; and destroy any ~~Personally Identifiable Information~~ personally identifiable information upon completion of the study and specify the time period in which the information must be destroyed.

4.3.2 If the ~~Research Agenda~~ research agenda is to conduct an audit or evaluation of a Federal or State supported education program or to enforce or comply with Federal legal requirements that relate to those education programs, as defined by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g) and its implementing regulations at 34 CFR part 99, the written agreement shall, at a minimum, do the following:

4.3.2.1 Designate an authorized representative; and

4.3.2.2 Specify what ~~Personally Identifiable Information~~ personally identifiable information will be disclosed and for what purpose, which purpose shall be one allowable under the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g) and its implementing regulations at 34 CFR part 99; and

4.3.2.3 Describe the activity to make clear it falls within an allowable purpose; and

4.3.2.4 Require the authorized representative to destroy ~~Personally Identifiable Information~~ personally identifiable information upon completion of the evaluation and specify the time period in which the information must be destroyed; and

4.3.2.5 Include policies and procedures to protect ~~Personally Identifiable Information~~ personally identifiable information from further disclosure and unauthorized use.

- 4.4 Any written agreement entered into under this regulation shall prohibit modification or amendment except by written agreement duly executed by the parties to that agreement.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b) & 1220)
14 DE Admin. Code 1519

FINAL

ORDER

1519 Multiple Measures for Demonstrating Content Knowledge

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge. The regulation sets forth alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought. The proposed amendments include amending subsection 1.2 to allow for the Praxis Bridge® Program; adding the definition of “Praxis Bridge®” in Section 2.0; amending subsection 4.2 to allow for the Praxis Bridge®; amending subsections 5.1.3.3, 5.3, and 6.1.2.2.3 allowing for Micro-credentials. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on June 1, 2025. The Professional Standards Board received one written submittal from Jon Neubauer of the Delaware State Education Association (DSEA) which stated that the DSEA was in support of the proposed amendments to Regulation 1519 but asked the Board to consider adding certifications that are currently not included in the regulation.

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

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

III. FINDINGS OF FACTS

On August 7, 2025, the Professional Standards Board considered the written submittal. The Board concluded that it would like to examine data prior to determining whether future amendments warrant adding certifications that are not included in the current regulation. The Board determined not to make any changes as a result of the written submittal and voted to propose 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge for adoption by the Department subject to the State Board of Education’s approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge subject to the State Board of Education’s approval. On August 21, 2025, the State Board of Education approved amending 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge. Therefore, pursuant to 14 Del.C. §§1203, 1205(b), and 1220, 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge is hereby amended.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 1519** Multiple Measures for Demonstrating Content Knowledge amended hereby and said regulation shall be cited as **14 DE Admin. Code 1519** Multiple Measures for Demonstrating Content Knowledge 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 21st day of August, 2025.

Department of Education

Cynthia Marten, Secretary of Education
Approved this 21st day of August, 2025.

State Board of Education

/s/ Shawn Brittingham

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

/s/ Meredith Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

/s/ Rev. Provey Powell, Jr.

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

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

***Please note that no changes were made to the regulation as originally proposed and published in the June 2025 issue of the *Register* at page 837 (28 DE Reg. 837 (06/01/25)). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2025/final/29 DE Reg 308 10-01-25>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

Global Budget

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Global Budget, specifically, to amend the Whole Child

Health Global Budget model for fee-for-services program populations. The Department's proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

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

SUMMARY OF PROPOSAL

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

Background

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

States are required to document the policies and methods used in setting payment rates for Medicaid services in their Medicaid State Plans (42 CFR 447.201).

Statutory Authority

- 42 CFR 447.201

Purpose

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

Summary of Proposed Changes

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

Public Notice

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

Centers for Medicare and Medicaid Services Review and Approval

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

Provider Manuals and Communications Update

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

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

There were no public comments received.

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

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

FINDINGS OF FACT:

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

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding Global Budget, specifically, to amend the Whole Child Health Global Budget model for fee-for-services program populations and shall be final effective October 11, 2025.

9/12/2025 | 1:44PM EDT

Date of Signature

Josette D. Manning Esq., Secretary, DHSS

Global Budget

Attachment 4.19-A
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE/TERRITORY: **DELAWARE**

Delaware Whole Child Health Global Budget

Effective for services incurred on ~~April 1~~ June 2], 2025, through December 31, 2027, Nemours Children's Health (Nemours) is eligible for Medicaid supplemental payments based on the cost and quality of services provided by Nemours to Medicaid fee-for-service program enrollees.

The State will annually calculate a Global Revenue Budget (GRB) for Medicaid and CHIP services provided by Nemours Children's Health in calendar years (CYs) 2025, 2026, and 2027. For each year, the GRB will be calculated based on historical Medicaid and CHIP expenditures with the following adjustments:

1. **Trend:** Based on shared efforts through model design reviews of pertinent data, a trend of 5% per annum will be used for establishing the GRB for the first Performance Year, CY 2025. This figure is the presumptive trend assumption for Performance Years two and three (CYs 2026 and 2027), unless the State determines the need for adjustment based on data and experience.

2. **Demographics:** Adjust for changes in Delaware Medicaid including managed care utilization and CHIP enrollment. The State will further determine the appropriate adjustment to be made to the GRB based on actual and projected enrollment changes starting Performance Year two.

3. **Exclusions:** Identify select Exclusions to be paid outside of the Global Revenue Budget (GRB). The State will consider the following factors in determining excluded services starting Performance Year two:

3.1.1 Certain Physician-Administered Drugs.

3.1.2 New Technology.

3.1.3 Outliers exclusion will not apply during 2025, 2026 or 2027.

4. **Utilization Adjustments:** The GRB will be adjusted for changes to Major Planned Services and Market shift, starting Performance Year two. Any adjustments will be made using claims and encounter data, and will consider:

FINAL REGULATIONS

4.1.1 Market Shift. Adjust for shifts in market share of Model services to Medicaid beneficiaries between Nemours and other providers.

4.1.2 Major Planned Service Changes. Adjust for material service additions, service expansions, or service reductions, or other potential situations using the approach contained in methodology specifications.

5. **Policy Adjustments:** Adjustments to account for policy changes that impact Medicaid or CHIP covered benefits, reimbursement, or enrollment, including potential fee schedule rate changes or changes in supplemental payments.

6. **Other Potential Budget Adjustments:** Potential adjustments to account for exogenous factors unrelated to the Model, such as changes in health insurance coverages; rapid adoption of a new technology; investments in care redesign at an accelerated pace; changes in law or regulations; localized health, environmental, or economic shocks; natural disasters; acts of war; localized civil disorder; rapid acceleration in inflation; and delays in party provision of data or performing of other deliverables that affect Model implementation.

TN No. SPA # 25-0006

Approval Date:

Supersedes N/A

Effective Date: **[April 1 June 2], 2025**

Attachment 4.19-A
Page 13 cont.

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

After each calendar year, Delaware Medicaid and CHIP program payments to Nemours will be reconciled to the GRB. If actual Medicaid and CHIP program payments are at least 0.5% less than the GRB, Nemours will be eligible to receive 100% of the savings, subject to performance on Quality Measures, not exceeding \$5 million for Performance Year 2025, \$15 million in 2026, and \$18 million in 2027.

Contingent on Nemours meeting or exceeding Quality Measure Performance Targets, Title XIX Medicaid State Plan fee-for-service supplemental payments will be equal to the Title XIX Medicaid State Plan fee-for-service portion of the GRB (i.e., the portion of the GRB attributable to projected Title XIX Medicaid State Plan fee-for-service program enrollees) multiplied by the total earned savings.

TN No. SPA # 25-0006

Approval Date:

Supersedes N/A

Effective Date: **[April 1 June 2], 2025**

DIVISION OF PUBLIC HEALTH

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

FINAL**ORDER****4458 State of Delaware Food Code****NATURE OF THE PROCEEDINGS:**

Pursuant to 16 **Del.C.** §122(3)u.1, the Department of Health and Social Services (DHSS), Division of Public Health, Health Systems Protection Section, proposed revisions to the regulation governing the State of Delaware Food Code (16 **DE Admin. Code** 4458).

The proposed amendments introduced several important changes to better serve and protect Delawareans. Changes include the adoption of the United States Public Health Service 2022 Food Code and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation were published in the June 1, 2025 issue of the *Delaware Register of Regulations* (28 **DE Reg.** 853 (06/01/25) (Prop.)). Public comments were accepted until 4:30 PM on July 1, 2025.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, public notice regarding the proposed DHSS regulation 16 **DE Admin. Code** 4458 was published in the *Delaware Register of Regulations*. No comments were received during the public comment period (June 1, 2025 through July 1, 2025).

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

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

FINDINGS OF FACT:

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

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 4458 State of Delaware Food Code shall become effective October 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

9/12/2025 | 1:43 PM EDT

Date

Josette D. Manning, Esquire

Josette Manning

Cabinet Secretary

Delaware Department of Health and Social Services

*Please note that no changes were made to the regulation as originally proposed and published in the June 2025 issue of the *Register* at page 853 (28 **DE Reg.** 853 (06/01/25)). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/october2025/final/29 DE Reg 313 10-01-25>

FINAL REGULATIONS

**DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
Industrial Accident Board**

Statutory Authority: 19 Delaware Code, Sections 105 and 2301A (19 **Del.C.** §§105 & 2301A)
19 **DE Admin. Code** 1331

FINAL

ORDER

1331 Industrial Accident Board Regulations

WHEREAS, under the authority of 19 **Del.C. §§105 and 2301A**, the Delaware Department of Labor, Industrial Accident Board ("Board") amends 19 **DE Admin. Code** 1331, Section 11.0 Requests for Production and Inspection of Documents and other Evidence.

WHEREAS, the amendments to 19 **DE Admin. Code** 1331 Section 11.0 of this regulation (Industrial Accident Board Rule 11) formalize the practice of in person viewing of scarring for disfigurement claims under 19 **Del.C. §2326**. It has been customary practice for an attorney representing an injured worker to allow the employer's attorney to view and photograph scars to facilitate pre-hearing settlement of a Petition for Disfigurement;

WHEREAS, the amended rule provides that scarring in a disfigurement claim constitutes evidence subject to production and inspection pursuant to 19 **DE Admin. Code** 1331 Section 11.0 of this regulation. The amendment then establishes a procedure for the scar viewing, notably at a place designated by the claimant and at a time mutually convenient to the parties;

WHEREAS, the proposed amendments to this regulation were published in 29 **DE Reg.** 24 (July 1, 2025). Following publication, no public comment was received by the administrator for the Industrial Accident Board. No changes were made to the proposed amendments.

WHEREAS, the Industrial Accident Board has reviewed the proposed regulation as required by 29 **Del.C. §10118(b)(3)** and has determined that any assessment of the impact of the proposed regulation on the State's resiliency to climate change is not practical for this regulation.

THEREFORE, The Industrial Accident Board adopts the final regulation for publication. The amendment will be effective ten (10) days following publication of the final regulation in the *Delaware Register of Regulations*.

IT IS SO ORDERED this 11th day of September 2025.

INDUSTRIAL ACCIDENT BOARD

/s/ Mark A. Murowany
Mark Murowany, Chairman

/s/ Charles M. Freel
Charles M. Freel, Member

/s/ Wilma Mishoe
Wilma Mishoe, Member

/s/ Patricia Maull
Patricia Maull, Member

/s/ Valencia Hayes
Valencia Hayes, Member

/s/ Vincent D'Anna
Vincent D'Anna, Member

/s/ Vincent Lofink
Vincent Lofink, Member

/s/ Rourke Moore
Rourke Moore, Member

Submitted with electronic signatures ("/s/") 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 July 2025 issue of the *Register* at page 24 (29 DE Reg. 24 (07/01/25)). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/october2025/final/29 DE Reg 314 10-01-25>

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers

Statutory Authority: 24 Delaware Code, Section 3706(a)(1) (24 Del.C. §3706(a)(1))
24 DE Admin. Code 3700

FINAL

ORDER

3700 Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on June 17, 2025 at a scheduled meeting of the Delaware Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers ("Board") to receive comments regarding proposed amendments to the Board's regulation. The revisions implement SB No. 320, 152nd General Assembly, enacted September 19, 2024. SB No. 320 creates a licensure category for speech/language pathology assistants. The proposed amendments set forth requirements for licensure and supervision of speech/language pathology assistants.

The proposed changes to the regulation were published in the *Delaware Register of Regulations*, Volume 28, Issue 11, on May 1, 2025. Notice of the June 17, 2025 hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News*. Exhibit 2. Pursuant to [29 Del.C. §10118\(a\)](#), the date to receive final written comments was July 2, 2025. The Board deliberated on the proposed revisions at its regularly scheduled meeting on July 15, 2025.

Summary of the Evidence and Information Submitted

The following exhibits were made part of the record:

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

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

There was no verbal testimony given at the public hearing on June 17, 2025. No written comments were received by the Board during the initial thirty-day public comment period; nor were any written comments received after the public hearing during the fifteen-day second public comment period. [29 Del.C. §10118\(a\)](#).

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulation.

FINAL REGULATIONS

2. There were no public comments provided to the Board during the two written public comment periods, or the public hearing.
3. Pursuant to [24 Del.C. §3706\(a\)\(1\)](#), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The Board proposed to amend its regulation to implement SB No. 320, 152nd General Assembly, enacted September 19, 2024, which creates a licensure category for speech/language pathology assistants.
5. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed changes to the Board's regulation.
6. Having received no public comments, the Board finds no reason to amend the regulation as proposed.
7. The Board has reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and has determined that any assessment of the impact of the proposed regulation on the State's resiliency to climate change is not practical.

Decision and Effective Date

The Board finds that the regulation shall be adopted as final in the form proposed. These changes will become effective ten days following publication of this Final Order in the Delaware *Register of Regulations*.

Text and Citation

The exact text of the regulation, as amended, is attached to this Final Order as Exhibit A.

IT IS SO ORDERED this 19th day of August 2025 by the Delaware Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers.

DELAWARE BOARD OF SPEECH/LANGUAGE PATHOLOGISTS, AUDIOLOGISTS, AND HEARING AID DISPENSERS

/s/ Dr. Danielle Inverso

Dr. Danielle Inverso, President

/s/ Natalie Sparks

Natalie Sparks, Vice President

/s/ Dr. Michael Michelli

Dr. Michael Michelli

/s/ Emily Cherrix

Emily Cherrix

/s/ Michelle Poynton Marsh

Michelle Poynton Marsh

/s/ Karla Quillen

Karla Quillen

/s/ Deborah Cottrell

Deborah Cottrell

/s/ Yeni Ocampo Sotelo

Yeni Ocampo Sotelo

ABSENT

Louise Maull

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

***Please note that no changes were made to the regulation as originally proposed and published in the May 2025 issue of the *Register* at page 802 (28 DE Reg. 802 (05/01/25)). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2025/final/29 DE Reg 315 10-01-25>

**DIVISION OF PROFESSIONAL REGULATION
Board of Massage and Bodywork**

Statutory Authority: 24 Delaware Code, Section 5306(a)(1) (24 Del.C. §5306(a)(1))
24 DE Admin. Code 5300

FINAL

ORDER

5300 Board of Massage and Bodywork

After due notice in the Delaware *Register of Regulations* and two Delaware newspapers, a public hearing was held on June 26, 2025 at a scheduled meeting of the Delaware Board of Massage and Bodywork ("Board") to receive comments regarding proposed amendments to the Board's regulation. The revisions include striking certain definitions in Section 2.0 because hour requirements for licensure have been revised statutorily. Section 6.0 pertaining to licensure of certified massage technicians is stricken in that the Board is no longer issuing these licenses. Subsection 9.4.2.9 is revised to strike the online option for completion of continuing education which was applicable during the COVID-19 pandemic. The definitions in subsection 12.1 are revised to clarify that businesses licensed pursuant to another chapter of Title 24 are not exempt from the establishment licensure requirements.

The proposed changes to the regulation were published in the *Delaware Register of Regulations*, Volume 28, Issue 11, on May 1, 2025. Notice of the June 26, 2025 hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News*. Exhibit 2. Pursuant to [29 Del.C. §10118\(a\)](#), the date to receive final written comments was July 11, 2025. The Board deliberated on the proposed revisions at its regularly scheduled meeting on August 21, 2025.

Summary of the Evidence and Information Submitted

The following exhibits were made part of the record:

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

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

There was no verbal testimony given at the public hearing on June 26, 2025. No written comments were received by the Board during the initial thirty-day public comment period; nor were any written comments received after the public hearing during the fifteen-day second public comment period. [29 Del.C. §10118\(a\)](#).

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulation.
2. There were no public comments provided to the Board during the two written public comment periods, or the public hearing.
3. Pursuant to [24 Del.C. §5306\(a\)\(1\)](#), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The Board proposed to amend its regulation to strike certain definitions in Section 2.0 because hour requirements for licensure have been revised statutorily. Section 6.0 pertaining to licensure of certified massage technicians is stricken in that the Board is no longer issuing these licenses. Subsection 9.4.2.9 is revised to strike the online option for completion of continuing education. The definitions in subsection 12.1 are revised to clarify that businesses licensed pursuant to another chapter of Title 24 are not exempt from the establishment licensure requirements.
5. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed changes to the Board's regulation.
6. Having received no public comments, the Board finds no reason to amend the regulation as proposed.

FINAL REGULATIONS

7. The Board has reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and has determined that any assessment of the impact of the proposed regulation on the State's resiliency to climate change is not practical.

Decision and Effective Date

The Board finds that the regulation shall be adopted as final in the form proposed. These changes will become effective ten days following publication of this Final Order in the Delaware *Register of Regulations*.

Text and Citation

The exact text of the regulation, as amended, is attached to this Final Order as Exhibit A.

IT IS SO ORDERED this 21st day of August 2025 by the Delaware Board of Massage and Bodywork.

DELAWARE BOARD OF MASSAGE AND BODYWORK

/s/ Elvis Amadi

Elvis Amadi, President

/s/ Kathy Sherwin

Kathy Sherwin, Vice President

/s/ Ethel Loesche

Ethel Loesche, Secretary

/s/ Valerie Lacey

Valerie Lacey

ABSENT

Sandra Jachimowski

ABSENT

Jermaine Cannon

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

*Please note that no changes were made to the regulation as originally proposed and published in the May 2025 issue of the *Register* at page 805 (28 DE Reg. 805 (05/01/25)). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/october2025/final/29 DE Reg 317 10-01-25>

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

Statutory Authority: 17 Delaware Code, Section 507 Chapters 1 and 5 (17 **Del.C.** §507, Chps. 1 & 5)

2 DE Admin. Code 2308

FINAL

ORDER

2308 Development Related Improvements Requiring New Rights-of-way

Pursuant to the authority provided by [17 Del.C. §507](#), Chapters 1 and 5, the Delaware Department of Transportation (the "Department") established procedures that the Department may use for development related improvements requiring new rights-of-way.

Findings of Fact and Conclusions of Law

1. The public was given notice and the opportunity to provide comments in writing concerning the proposed regulation.
2. This proposed regulation was originally published in the August 2025 *Register* and the Department is now finalizing the proposed regulation for the October 2025 *Register*.
3. The proposed regulations are useful and proper, and the Department believes that the adoption of this regulation is appropriate.
4. Per Section 10118 (b)(3) of Title 29 regarding the State's greenhouse gas emissions reduction targets and resiliency to climate change, assessment is not practical for this regulation.

Decision and Effective Date

Based on the provision of Delaware law and the record of this docket, I hereby adopt the Development Related Improvements Requiring New Rights-of-way as set forth in the version attached, to be effective October 11, 2025.

IT IS SO ORDERED 22nd day of September 2025.

Shanté Hastings, PE
Secretary, Delaware Department of Transportation

2308 Development Related Improvements Requiring New Rights-of-way

1.0 BACKGROUND

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

2.0 MAJOR ISSUES

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

1.03.0 Purpose

- 3.1 The Delaware State Senate passed SB 284 on June 8, 2004 and the Delaware House of Representatives passed it on July 1, 2004. SB 284 was signed into law on July 22, 2004 and it is codified at 17 **Del.C. Section 507**~~507~~. The essence of this legislation was to address the need for transportation improvements that are required to be made by developers when new development has been approved by local government

- 3.2 Section 507 directs DelDOT to establish rules and regulations to determine where and under what conditions it will:
- 3.2.1 Use its real estate process to acquire the necessary right-of-way for public purpose improvements;
 - 3.2.2 Enforce the maintenance of safe operating conditions for the public during construction;
 - 3.2.3 Involve the public and inform them of the reason for and scope of improvements; and
 - 3.2.4 Assure compliance with applicable environmental and legal requirements.
- 3.3 Developers whose proposals trigger the need for improvements, or necessitate an acceleration of the timing of previously recognized DelDOT projects, shall contribute funds towards the necessary right-of-way acquisitions. Improvements are limited to those that do not negatively impact the State's ability to meet the conformity requirements of the Federal Clean Air Act and its several amendments.
- 3.4 DelDOT's use of this authority is limited to areas where the State's own land use policies support the type and scale of the proposed development. As part of the approval process for transportation improvements built pursuant to this authority, DelDOT is required to consult with area representatives of state and local government. DelDOT retains the discretionary authority to use the provisions of Section 507 and its implementing regulations, or to decide not to make use of this authority in a given instance.

2.04.0 Relationship to Strategies for State Policies and Spending

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

3.05.0 Regulatory Procedures

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

generation. The specific responsibilities of these several parties will be described in a Memorandum of Agreement.

3.15.2 Project Eligibility

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

~~The development project for which the improvements are required is~~

- ~~•5.2.1.1~~ ~~Consistent~~ The project is consistent with the local comprehensive plan;
- ~~•5.2.1.2~~ ~~Consistent~~ The project is consistent with Strategies for State Policies and Spending, including location in a Level 1, 2, or 3 State Strategy investment area; and
- ~~•5.2.1.3~~ ~~In~~ The project is in conformance with the requirements of the Clean Air Act (CAA) regulations.

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

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

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

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

3.25.3 Plan Preparation

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

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

3.35.4 Public Input Process

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

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

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

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

3.45.5 Review Process

- 5.5.1 The developer's engineer, who must be a Delaware-registered professional engineer, shall prepare and submit to DeIDOT for review and approval all construction plans, right-of-way plans, specifications, and estimates for the project. The design of roadway improvements shall be in accordance with the latest standards published by the American Association of State Highway and Transportation Officials (AASHTO), *DeIDOT's Road Design Manual*, and the *Manual on Uniform Traffic Control Devices (MUTCD)*.
- 5.5.2 The plan submissions will be required to undergo separate reviews for construction and right-of-way plans:
- 5.5.3 The construction plan submission will consist of a preliminary, semi-final, and final (or contract) plan submission.
- 5.5.4 The submittals shall include design plans, specifications and cost estimates for construction of the project.
- 5.5.5 The right-of-way plan submissions shall include a semi-final and final plan submission.
- 5.5.6 The developer's engineer shall establish review dates with concurrence from DeIDOT for all construction and right-of-way plans. These plans shall be reviewed by DeIDOT's Chief Engineer. The developer's engineer shall coordinate with the utility companies to determine existing utility locations and possible relocations.
- 5.5.7 Existing deeds and recorded plot plans shall be acquired and applicable DeIDOT highway, bridge and subdivision plans shall be obtained to establish and verify the existing right-of-way. The engineer shall attest to the right-of-way shown on the plans.
- 5.5.8 The engineer will work through DeIDOT's Development Coordination Section and the Pavement Management Section for pavement evaluation and design verification. This may include the need for pavement cores and subgrade soils analysis.
- 5.5.9 The engineer will work with DeIDOT's Design Services for hazardous material ~~and/or~~ contaminated site delineation. The developer shall be responsible for any site remediation required. The engineer shall prepare, apply for, and obtain all necessary permits and environmental or historic documentation required by federal, state, and local authorities. Copies of the permits and supporting documentation shall be provided to DeIDOT prior to a Notice to Proceed being issued for construction of the project.
- 3.4.15.6 ~~Inspection~~ Inspection. DeIDOT will determine the level of inspection required for each project. Inspection will be provided by DeIDOT Public Works staff, DeIDOT construction staff, or an inspection consultant currently under contract with DeIDOT for inspection services.
- ### 3.55.7 Real Estate Process
- 5.7.1 DeIDOT's Real Estate right-of-way acquisition process can be used to secure roadway improvements triggered by development, only after the developer has exhausted all efforts to obtain the needed private property through voluntary good faith negotiations. The developer shall consult with the Real Estate Section, develop an acquisition plan and implement that plan with DeIDOT oversight. Land acquisition shall be in accordance with DeIDOT's most current ~~Real Estate Management~~ Right-of-Way Manual. DeIDOT engages the property owners and tenants in a process of notification, appraisal, and negotiations. DeIDOT's Real Estate Section, or a qualified entity, with prior approval by DeIDOT, shall procure the necessary rights-of-way.
- 5.7.2 Based on the complexity, DeIDOT's Real Estate Section will determine whether an appraisal is necessary or if a valuation waiver method can be used. In instances where temporary access to a property is required, DeIDOT shall determine the lease value of the property for the duration of the project.
- 5.7.3 Process Steps:
- ~~3.5-15.7.3.1~~ 3.5-15.7.3.1 Notification: property owners and tenants will be notified in ~~one~~ one or both of the following ways: they will be contacted by a DeIDOT Real Estate representative or notified of public workshops. This notification will occur at least ~~six~~ six months in advance of any eminent domain action, should good faith negotiations fail to result in a signed contract.
- ~~3.5-25.7.3.2~~ 3.5-25.7.3.2 Valuation: property owners will receive fair market value for any land ~~and/or~~ buildings they are required to sell. A qualified, licensed independent appraiser may complete the appraisal, which is approved by an independent authority (DeIDOT). If the offer of just compensation is estimated to be less than \$10,000, DeIDOT may authorize the use of ~~one of two~~ one of two ~~(2)~~ 1 of 2 appraisal waiver valuation methods and the offer to purchase may be made in the form of an Administrative Offer Summary (AOS). If the offer of just compensation is estimated to be more than \$10,000, but less than \$25,000, DeIDOT may authorize the use of ~~one of two~~ one of two ~~(2)~~ 1 of 2

appraisal waiver valuation methods and the offer to purchase may be made in the form of an Administrative Offer Summary (AOS) with the consent of the owner. Property owners may, at their own cost, obtain their own appraisal.

~~3.5.35.7.3.3~~ 3.5.45.7.3.3 **Negotiations:** a DeIDOT Real Estate representative will contact the property owner with a plan showing the amount of land needed and written confirmation of the amount of compensation being offered. The property owner will be given 60 calendar days to consider the offer. If the offer is accepted, both parties (DeIDOT and the seller) sign a binding contract and settlement is held.

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

3.65.8 Design and Construction Administration

~~3.6.45.8.1~~ 3.6.45.8.1 **Alternative ~~One~~1:**

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

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

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

~~3.6.25.8.2~~ 3.6.25.8.2 **Alternative ~~Two~~2:**

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

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

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

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

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

4.06.0 Finance

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

DIVISION OF PLANNING AND POLICY

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

FINAL

ORDER

2311 Long-Term Lease Policies and Practices

Pursuant to the authority provided by 17 Del.C. §§137, 145, & 149, and 29 Del.C. §8404, the Delaware Department of Transportation (the "Department") established procedures that the Department may use for long-term leases of the Department's owned property.

Findings of Fact and Conclusions of Law

1. The public was given notice and the opportunity to provide comments in writing concerning the proposed regulation.
2. This proposed regulation was originally published in the August 2025 *Register* and the Department is now finalizing the proposed regulation for the October 2025 *Register*.
3. The proposed regulations are useful and proper, and the Department believes that the adoption of these regulations is appropriate.
4. Per Section 10118 (b)(3) of Title 29 regarding the State's greenhouse gas emissions reduction targets and resiliency to climate change, assessment is not practical for this regulation.

Decision and Effective Date

Based on the provision of Delaware law and the record of this docket, I hereby adopt the Long-Term Lease Policies and Practices as set forth in the version attached, to be effective October 11, 2025.

IT IS SO ORDERED 22nd day of September 2025.

Shanté Hastings, PE
Secretary, Delaware Department of Transportation

2311 Long-Term Lease Policies and Practices

1.0 Long-Term Leases

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

2.0 Competitive Sealed Bid Process

Unless ~~DelDOT~~the Department seeks to proceed under Section 3.0 below, ~~DelDOT~~the Department will provide an opportunity for parties to publicly bid on the lease of the property through a competitive sealed bid process. ~~DelDOT~~the Department shall retain the right to reject all bids. Notice of the proposed leasing will be advertised at least ~~twenty (20)~~20 calendar days prior to bid opening in a newspaper of general

circulation in the county in which the parcel is located. Conspicuous notice shall also be displayed on the property in question at least 20 calendar days prior to bid opening. The second notice will be published approximately ~~ten (10)~~ 10 calendar days prior to bid opening in a newspaper of general circulation in the county in which the parcel is located. The Department shall offer the property for lease beginning at not less than the lowest approved market value range established by a qualified licensed fee appraiser.

3.0 Economic and Civic/Benevolent Purpose Consideration.

3.1 ~~In the event DelDOT should be that the Department is asked by a party party, or otherwise consider~~ considers entering into a long-term lease for economic development consideration or civic/benevolent purposes, ~~DelDOT the Department~~ will first determine market value rent through a qualified licensed appraiser. For purposes of this regulation, an economic development or civic/benevolent purpose proposal is defined as changes to material conditions under the lease that result in less direct monetary value to ~~DelDOT the Department~~ in exchange for the development of jobs, economic growth ~~and/or or~~ the furtherance of a civic/benevolent purpose. The purpose of this value determination is to allow for a fair, thorough and transparent consideration of the proposed incentive or grant being considered.

3.2 ~~In cases where the request involves a potential economic development opportunity, DelDOT, after making the value determination referenced above, shall refer the matter to the Delaware Economic Development Office ("DEDO") for its determination of whether the economic development benefits justify the value of the reduced lease. To the extent DEDO recommends moving forward with the lease transaction, DEDO and DelDOT shall first present such proposal to the Council on Development Finance ("CDF") for CDF review and approval, following the required notice provisions for CDF proceedings. In addition, DelDOT shall provide conspicuous notice on the property in question at least 20 day prior to the CDF meeting where the proposal is considered. If approved by the CDF, DelDOT may enter into the lease agreement on the condition that the nature of the lease, terms of rent and other material conditions are consistent with the recommendations of DEDO and approval of CDF. DelDOT will continue to manage the properties during the lease term.~~

~~3.3~~ 2 In the cases where the request involves a potential civic or other benevolent purpose, ~~DelDOT the~~ Department shall hold a public meeting in the general vicinity of property in question. The notice shall clearly state the proposed lessee, the proposed lease term, the estimated value of the reduced lease terms and such notice will be advertised at least ~~twenty (20)~~ 20 calendar days prior to the hearing in a newspaper of general circulation in the county in which the parcel is located. Conspicuous notice shall also be displayed on the property in question at least ~~20~~ 20 calendar days prior to bid opening. A second notice will be published approximately ~~ten (10)~~ 10 calendar days prior to bid opening in a newspaper of general circulation in the county in which the parcel is located. In addition, ~~DelDOT the Department~~ shall notify in writing and seek input from the elected State Representative and Senator of the district where the property is located. Upon conclusion of the hearing and a period of ~~40~~ 10 calendar days for additional written comments, the Secretary will determine whether or not ~~DelDOT the Department~~ will lease the property as proposed.

4.0 General Policies Governing Long-Term Leases of DelDOT Department Owned Property

4.1 Form leases shall be prepared by ~~in-house~~ legal counsel for the Department and such forms may be revised as needed for particular lease transactions.

4.2 ~~All~~ To be valid, all long-term leases or modifications thereof shall require the review of ~~in-house~~ legal counsel for the Department and the signature of the Secretary or the Secretary's designee.

4.3 If Federal aid was used to acquire the property suggested for lease, ~~DelDOT the Department~~ will request permission approval from the FHWA to lease the property at less than fair market rental value, if no bids are received in any higher amount at the proposed terms. If the FHWA does not provide its approval, then the Department shall not lease the property at those terms.

GENERAL NOTICES

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

GENERAL NOTICE

NOTICE

Lifespan Waiver

In accordance with the public notice requirements of 42 CFR 441.304(d)(1), 42 CFR 441.304(e), and 42 CFR 441.304(f) and Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives notice related to the amendment of the DDDS HCBS Medicaid Waiver authorized under section 1915(c) of the Social Security Act.

Purpose

The purpose of this posting is to provide public notice and elicit public input regarding Delaware's proposed amendment of its current 1915 (c) HCBS Lifespan Waiver that serves individuals with intellectual and developmental disabilities (IDD).

Overview and Summary of the Lifespan Waiver Amendment

Delaware proposes to amend the DDDS waiver that has been in continuous operation since 1987. The waiver must be renewed every five years. Any changes during those five years must be made through an amendment to the current approved waiver. The DDDS waiver is targeted to individuals with intellectual developmental disabilities (IDD) (including brain injury), autism spectrum disorder, and Prader-Willi Syndrome. It provides services and supports as an alternative to institutional placement and promotes independence, enables the individual to live "their good life" safely in the community, encourages community engagement, and respects and supports their desire to work or engage in other productive activities.

Change(s) to the current waiver include:

- Updating language to the Nurse Consultation service description to include the following text:
"When it is appropriate, necessary, and in the best interest of the services recipient, the division may authorize a registered nurse to perform a medical procedure within the registered nurse's scope of practice, experience, and proficiency."
- Reducing the maximum allowable group size for Group Supported Employment to five (5) from eight (8).
- Adding language to the Respite service description specifically around crisis respite as well as adding an additional provider type for Crisis Respite Agency.
- Add Enhanced Behavioral Residential as a new service.
- Add Remote Supports as a new service.
- Removed Specialized Medical Equipment and Supplies as a waived service.
- Update Appendix I to reflect the methodologies used for new services added to waiver.
- Updated Appendix J for Waiver Year 3, Waiver Year 4, and Waiver Year 5 including counts of members, units, cost per unit, and the addition of new services.

The full text of the Lifespan Waiver Amendment can be found at the included link;

<https://regulations.delaware.gov/register/October2025/63467D7A-B0B0-4302-9CDF-09B85251FBAA>

Background

Delaware has operated a Home and Community Based Services (HCBS) Waiver for individuals with intellectual and developmental disabilities continuously since 1987. The authority under the Social Security Act that allows HCBS waivers to be created requires that each waiver be renewed every five years.

Public Comment Submission Process

As required by 42 CFR Part 441.304, DHSS/DMMA must establish and use a public input process for any changes in the services or operation of the waiver. Per Del. Code, Title 29, Ch. 101 §10118 (a), 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. The

opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing when 1 or more public hearings are held on the proposal. The public is invited to review and comment on the proposed Lifespan Waiver Amendment. Comments must be received by 4:30 p.m. on November 14, 2025. Individuals may submit written comments using one or all the following methods:

By email: DHSS_DMMA_Publiccomment@Delaware.gov

(Please identify in the subject line: *DDDS Lifespan Waiver Amendment*)

By fax: 302-255-4481 to the attention of Melissa Dohring

By written comments sent to:

DDDS Lifespan Waiver Amendment
Division of Medicaid and Medical Assistance
Planning, Policy & Quality Unit
1901 North DuPont Highway
P.O. Box 906
New Castle, Delaware 19720-0906

This public notice, the Amendment, and a summary of the Amendment are posted online at:

<https://dhss.delaware.gov/dhss/dmma/homeandc.html>

The DMMA and DDDS websites will indicate the locations at which the hardcopy can be viewed.

The hardcopy waiver amendment will be available at the following locations from October 1, 2025, through November 14, 2025.

- DDDS Fox Run Office at: 2540 Wrangle Hill Road, Suite 200, Bear, DE 19701
- Thomas Collins Building at: 540 South Dupont Hwy, 1st Floor, Dover, DE 19901
- Woodbrook Office at: 1056 S. Governors Ave, Dover, DE 19904
- Stockley Center campus at: 26351 Patriots Way, Georgetown, DE 19947 - 101 Boyd Blvd.

Public Hearings

Notice will be published regarding the amendment in the October 1, 2025, Delaware Register of Regulations with a link to the website where the complete application may be found. The comment period begins on October 1, 2025, and ends on November 14, 2025.

This timeframe allows an additional period of 15 days for the public to comment after the last public meeting.

The public will have the opportunity to comment using the process described in the Register notice.

Following the comment period the State reviews, considers, and responds to all comments received.

Dates and Locations for Public Hearings for the Lifespan Waiver Amendment- New Castle County

October 28, 2025

10:00 am- 11:00 am

DDDS Fox Run Office
2540 Wrangle Hill Rd., Suite 200
Bear, DE 19701
2nd floor large training room

***If you would prefer to participate virtually:**

Via Zoom:

<https://ddds.zoom.us/j/89156115991>

Meeting ID: 891 5611 5991

Kent County

October 27, 2025 1:00 pm-2:00 pm

DDDS Annex (right next to KSI building) 391 A Rehoboth Blvd.
Milford, DE 19963

***If you would prefer to participate virtually:**

Via Zoom:

<https://ddds.zoom.us/j/82993928781>

Meeting ID: 829 9392 8781

Sussex County**October 29, 2025**

6:00 pm – 7:00 pm

Georgetown Public Library

123 W. Pine Street

Meeting Room A1

Georgetown, De 19947

***If you would prefer to participate virtually:**

Via Zoom:

<https://ddds.zoom.us/j/87459963707>

Meeting ID: 874 5996 3707

DDDS will summarize any public feedback received including any changes it has made as a result of the public comment to the proposed Lifespan Waiver Amendment that will be submitted to CMS.

If you require special assistance and/or services to participate in the public hearing (e.g., sign language interpretation or other translation services, etc.) please call or e-mail the following contact at least ten (10) days prior to the hearing for arrangements: Larry Pusey at Larry.Pusey@delaware.gov or 302-744-9714.

The prompt submission of requests helps to ensure the availability of qualified individuals and appropriate accommodations in advance.

9/8/2025 | 6:06 AM EDT

Andrew Wilson

Date _____

Division Director

Division of Medicaid and Medical Assistance

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**

September 4, 2025

Yvette Smallwood

Registrar of Regulations

411 Legislative Avenue

Dover, DE 19901

Ms. Smallwood,

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

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

§4505. Traffic control devices.

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

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

- "No Trucks Over 2 Axles Except Local Services" on Hammondtown Road (K311) between Prospect Church Road (K114) and US 13 Dupont Highway (K6)
- "No Trucks Over 2 Axles Except Local Services" on Flat Iron Road (K312) between DE 14 Milford Harrington Highway (K36) and Hammondtown Road (K311)
- "No Trucks Over 2 Axles Except Local Services" on Prospect Church Road (K114) between DE 14 Milford Harrington Highway (K36) and Hammondtown Road (K311)
- "No Trucks Over 2 Axles Except Local Services" on Triangle Road (K312A) between DE 14 Milford Harrington Highway (K36) and Flat Iron Road (K6)

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

Thank you,
Peter Haag
Chief of Traffic Engineering

CALENDAR OF EVENTS/HEARING NOTICES

DELAWARE RIVER BASIN COMMISSION PUBLIC NOTICE Notice of Public Hearing

The Delaware River Basin Commission will hold a public hearing on **Wednesday, November 5, 2025**, commencing at **1:30 p.m.** The public hearing will be conducted remotely. The draft docket decisions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Wednesday, December 10, 2025**, commencing at **10:30 a.m.** The business meeting also will be held remotely. An agenda, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

For additional information, including links to live streams of these events, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

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

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

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 18000 Delaware Healthy Children 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 Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children's Health Insurance Program (CHIP).

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 October 31, 2025. Please identify in the subject line: Juvenile Justice 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.

CALENDAR OF EVENTS/HEARING NOTICES

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DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 60000 Incarcerated Individuals Medicaid 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 Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM), specifically, to improve care transitions for individuals who are incarcerated and are eligible for Children's Health Insurance Program (CHIP).

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 October 31, 2025. Please identify in the subject line: Juvenile Justice 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.

DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4457 Regulations Governing the Manufacture and Sale Of Ice

Pursuant to 16 **Del.C.** §122(1); (3)a., b., c., f., & j., the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulations governing the manufacture and sale of ice (16 **DE Admin. Code** 4457).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include updated and new definitions and technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

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

Public comments will be accepted until 4:30 PM on November 3, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

CALENDAR OF EVENTS/HEARING NOTICES

**DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE
4000 Financial Responsibility**

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 excluding income in TANF and GA eligibility determinations.

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 October 31, 2025. Please identify in the subject line: Excluding Income in TANF and GA Eligibility Determinations

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.

**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 income exclusions for food benefits.

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 October 31, 2025. Please identify in the subject line: Income Exclusions for Food Benefits

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.

**DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE
11000 Child Care Subsidy 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 determining income and graduated phase out for child care.

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 October 31, 2025. Please identify in the subject line: Determining Income and Graduated Phase Out for Child Care

CALENDAR OF EVENTS/HEARING NOTICES

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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 LABOR DIVISION OF INDUSTRIAL AFFAIRS PUBLIC NOTICE 1322 Prevailing Wage Regulations

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of in 29 Del.C., Ch. 11, Subch. III and 29 Del. C. § 10111(1), the Delaware Department of Labor, Division of Industrial Affairs, Office of Construction Industry Enforcement proposes to modify to amend its regulations for the Prevailing Wage Law as described in 29 Del C. § 6960.

In accordance with 29 Del.C. §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications to Rule No. 11 should direct them to the following address:

Francis Chudzik
Delaware Department of Labor
Division of Industrial Affairs
252 Chapman Road, Suite 210
Newark, DE 19702

Comments may also be directed via electronic mail to Francis.Chudzik@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Delaware Department of Labor no later than 4 p.m. EST, October 31, 2025.

DIVISION OF PAID LEAVE PUBLIC NOTICE 1401 Rules Defining and Regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program and the Division of Paid Leave

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of [19 Del.C. §105](#), the Delaware Department of Labor ("Department"), through the Division of Paid Leave ("Division"), proposes to introduce amendments to this Regulation to set forth definitions, guidance, procedures, and standards for the implementation of the Family and Medical Leave Insurance Program ("PFML Insurance Program") under the Healthy Delaware Families Act ("Act"). As provided by the Act, the Division is authorized to administer and enforce the Act, the PFML Insurance Program, and this Regulation.

In accordance with [29 Del.C. §10116](#), persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

Christopher Counihan
Division Director, Division of Paid Leave
Delaware Department of Labor
248 Chapman Road, Suite C
Newark, DE 19702

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Comments may also be directed via electronic mail to PFML@Delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the above contact at the Delaware Department of Labor no later than 4:00 p.m. EST, on October 31, 2025. The determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public in response to the proposed regulations.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3100 Boating

SAN # 2025-05
Docket # 2025-R-F-0009

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

This action is needed to amend 7 DE Admin. Code 3100 to modernize Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and present federal law. The anticipated changes include increased thresholds for reportable accidents, updated administrative criteria for boating registration filing/processing, addition of required engine cut-off switches and changes to reflect modern terminology and conventions. The amendments should result in efficiencies to both the agency and regulated community. The amendments are not anticipated to have a detectable impact on the environment nor result in costs to the affected entities.

POSSIBLE TERMS OF THE AGENCY ACTION:

None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

Statutory basis for these changes is authorized under 23 Del.C. §2114.

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

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

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PROCEDURES:

The virtual public hearing (Docket # 2025-R-F-0009) will be held on Wednesday, October 22, 2025, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearing site at <https://de.gov/dnrehearings>. If prompted, use Meeting ID: 843 3278 9340 Passcode: 929289. To access the audio-only portion of the virtual hearing, dial (305) 224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC virtual public hearing must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://de.gov/dnrecomments> or by telephone at (302) 739-9001.

The proposed amendments may be inspected online starting October 1, 2025 at https://regulations.delaware.gov/register/current_issue or in-person, by appointment only, by contacting Drew T. Aydelotte, Delaware Natural Resources Police, 89 Kings Hwy., Dover 19901, by phone at (302) 739-9913, or by email at Drew.Aydelotte@delaware.gov.

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Public comments will be received until close of business Thursday, November 6, 2025. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Examiners of Psychologists PUBLIC NOTICE 3500 Board of Examiners of Psychologists

The Delaware Board of Examiners of Psychologists, pursuant to 24 Del. C. § 3506(a)(1), proposes to clarify the number of face to face continuing education (CE) credits must be completed for psychology assistants and licensees with pro-rated CE requirements.

The Board will hold a public hearing on November 3, 2025, at 9:00 a.m. both virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until November 18, 2025.

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.

You can review the proposed regulations in the October 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC’s electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input “Reg. 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.” Written comments will be accepted on or before November 20, 2025, pursuant to **29 Del.C. §10118(a)**.

The Commission will hold a public hearing on the proposed regulation on November 5, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the November 5, 2025 hearing, written comments must be submitted on or before October 29, 2025. Pursuant to **29 Del.C. §10118(a)**, written comments will be accepted after the hearing until November 20, 2025.

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

PUBLIC SERVICE COMMISSION PUBLIC NOTICE

3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions

The Delaware Public Service Commission (“Commission” or “PSC”) pursuant to [26 Del.C. §§117\(g\) and 209\(a\)](#) proposes to revise the *Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions* codified at [26 DE Admin. Code 3002](#) (the “Regulation”). Previously, the PSC published proposed updates to the Regulation in the January 2025 *Register of Regulations* which were never finalized due to pending legislation and are, hereby, withdrawn. The proposed amendments to be published in the October 2025 *Register of Regulations* update the Regulation after the passage of House Bill 62 superseded major portions of the Regulation and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

You can review the proposed regulations in the October 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC’s electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input “Reg. 53”). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in Delafile at <https://delafile.delaware.gov/> by filling out the “Public Comment Form” located under “Public Links”. Written comments can also be mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to psc@delaware.gov, with the subject line “Regulation Docket No. 53.” Written comments will be accepted on or before November 20, 2025, pursuant to [29 Del.C. §10118\(a\)](#).

The Commission will hold a public hearing on the proposed regulation on November 5, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the November 5, 2025 hearing, written comments must be submitted on or before October 29, 2025. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until November 20, 2025.

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

PUBLIC SERVICE COMMISSION PUBLIC NOTICE

3012 Rules for Regulation of Net Metering

The Delaware Public Service Commission (“Commission” or “PSC”) pursuant to [26 Del.C. §209\(a\)](#) proposes to revise the *Rules for Regulation of Net Metering* codified at [26 DE Admin. Code 3012](#) (the “Regulation”) to comply with Senate Bill 175, expand technical options for customers through meter adapters and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

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You can review the proposed regulations in the October 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input "Reg. 3012"). 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. 3012." Written comments will be accepted on or before November 20, 2025, pursuant to [29 Del.C. §10118\(a\)](#).

The Commission will hold a public hearing on the proposed regulation on November 5, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the November 5, 2025 hearing, written comments must be submitted on or before October 29, 2025. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until November 20, 2025.

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

DEPARTMENT OF TRANSPORTATION OFFICE OF THE SECRETARY PUBLIC NOTICE 1400 Policies and Procedures Regarding FOIA Requests

Pursuant to the authority provided by [29 Del.C. Ch. 100](#), the Delaware Department of Transportation (DelDOT) adopted 1400 Policies and Procedures Regarding FOIA Requests.

DelDOT, through its the Office of the Secretary, seeks to adopt revisions to its existing regulation.

The changes are administrative in nature, whereas DelDOT corrected formatting issues per the updated *Registrar's Drafting and Style Manual*, clarified and updated old Delaware Code citations, updated DelDOT's contact information, clarified Section 3.0, and added a definition in Section 2.0. These changes serve to clarify the intent of DelDOT as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 1400 of Title 8, Delaware Administrative Code, from October 1, 2025 through October 31, 2025. The public may submit their comments to:

Charles "C.R." McLeod, Director of Community Relations, Office of the Secretary
(Charles.mcleod@delaware.gov) or in writing to his attention:

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