
Delaware Register of Regulations

Issue Date: AUGUST 1, 2017

Volume 21 - Issue 2, Pages 69 - 164



IN THIS ISSUE:

Regulations:
Proposed
Final

General Notices

Calendar of Events &
Hearing Notices



Pursuant to 29 **Del.C.** Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before July 15, 2017.

Cover Photo by
Dr. Brian Kutner

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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.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

19 **DE Reg.** 1100 (06/01/16)

Refers to Volume 19, page 1100 of the *Delaware Register* issued on June 1, 2016.

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135.00. Single copies are available at a cost of \$12.00 per issue, including postage. For more information contact the Division of Research 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and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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 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file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title.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.

INFORMATION ABOUT THE DELAWARE REGISTER OF 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.

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

No action of 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 such regulation may be reviewed by the Court as a defense in the action.

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

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
September 1	August 15	4:30 p.m.
October 1	September 15	4:30 p.m.
November 1	October 16	4:30 p.m.
December 1	November 15	4:30 p.m.
January 1	December 15	4:30 p.m.

DIVISION OF RESEARCH STAFF

Lori Christiansen, Director; **Mark J. Cutrona**, Deputy Director; **Julia Dumas-Wilks**, Administrative Specialist II; **Julie Fedele**, Joint Sunset Research Analyst; **Bethany Fiske**, Assistant Registrar of Regulations; **Deborah Gottschalk**, Legislative Attorney; **Robert Lupo**, Graphics and Printing Technician IV; **Dawn Morales**, Graphics and Printing Technician I; **Kathleen Morris**, Human Resources/Financial Manager; **Victoria Schultes**, Administrative Specialist II; **Don Sellers**, Print Shop Supervisor; **Yvette W. Smallwood**, Registrar of Regulations; **Holly Vaughn Wagner**, Legislative Attorney; **Natalie White**, Administrative Specialist II; **Rochelle Yerkes**, Office Manager; **Sara Zimmerman**, Legislative Librarian.

Cumulative Tables.....	74
------------------------	----

PROPOSED

DEPARTMENT OF EDUCATION

Office of the Secretary

728 Graduate Level Salary Increments.....	76
---	----

Professional Standards Board

1502 Graduate Level Salary Increments.....	81
1505 Standard Certificate.....	86
1520 Early Childhood Teacher.....	91
1531 Middle Level English Language Arts Teacher.....	93
1532 Middle Level Mathematics Teacher.....	95
1533 Middle Level Science Teacher.....	97
1534 Middle Level Social Studies Teacher.....	99
1539 Health Education Teacher.....	101
1540 Secondary English Language Arts Teacher.....	103
1542 Secondary Mathematics Teacher.....	105
1544 Secondary Social Studies Teacher.....	107
1550 AgriScience Teacher.....	109
1551 Business Education Teacher.....	111
1553 Driver Education and Traffic Safety Education Teacher.....	113
1554 Family and Consumer Sciences Teacher.....	115
1555 Marketing Education Teacher.....	117
1557 Technology Education Teacher.....	119
1562 Teacher of English Learners.....	121

DEPARTMENT OF FINANCE

Office of Unclaimed Property, State Escheator

104 Department of Finance Abandoned or Unclaimed Property Reporting and Examination Manual	123
--	-----

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

Dental Fee Schedule.....	124
DSSM 30000 Delaware Prescription Assistance Program.....	127

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Waste and Hazardous Substances

1301 Regulations Governing Solid Waste.....	129
---	-----

Office of the Secretary

109 Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection.....	130
--	-----

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

Division of Family Services

101 DELACARE: Regulations for Early Care and Education and School-Age Centers.....	133
103 Regulations for Family and Large Family Child Care Homes.....	134

DEPARTMENT OF STATE

Division of Professional Regulation

3800 Board of Dietetics/Nutrition.....	135
5200 Board of Examiners of Nursing Home Administrators.....	138

TABLE OF CONTENTS

73

FINAL

DEPARTMENT OF AGRICULTURE

Harness Racing Commission

502 Delaware Standardbred Breeders' Fund Regulations..... 146

DEPARTMENT OF EDUCATION

Office of the Secretary

1009 DIAA High School Interscholastic Athletics..... 147

DEPARTMENT OF INSURANCE

Office of Legal and Special Projects

603 Delaware Motorists Protection Act..... 150

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Energy and Climate

2102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions..... 152

DEPARTMENT OF STATE

Division of Professional Regulation

4400 Delaware Manufactured Home Installation Board..... 154

GENERAL NOTICES

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

Delaware Diamond State Health Plan 1115 Demonstration Waiver Amendment..... 156

Mental Health Parity and Addiction Equity Act (MHPAEA)..... 158

CALENDAR OF EVENTS/HEARING NOTICES

Delaware River Basin Commission, Notice of Business Meeting and Public Hearing..... 161

Dept. of Education, Notice of Monthly Meeting..... 161

Dept. of Finance, Office of Unclaimed Property, State Escheator, Notice of Public Comment Period..... 161

Dept. of Health and Social Services, Div. of Medicaid and Medical Assistance, Notices of Public Comment Periods 161 - 162

Dept. of Natural Resources and Environmental Control, Div. of Waste and Hazardous Substances; Office of the Secretary, Notices of Public Hearings and Public Comment Periods..... 162

Dept. of Services for Children, Youth & Their Families, Notices of Public Comment Periods..... 163

Dept. of State, Div. of Professional Regulation, Board of Dietetics/Nutrition, Board of Nursing Home Administrators, Notices of Public Hearings and Public Comment Periods..... 164

The table printed below lists the regulations that have been proposed, adopted, amended or repealed in the preceding issues of the current volume of the *Delaware Register of Regulations*.

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

DELAWARE HEALTH INFORMATION NETWORK

103 Delaware Health Care Claims Database Data Collection Regulation..... 21 **DE Reg.** 9 (Prop.)

DEPARTMENT OF AGRICULTURE**Office of the Secretary**

1201 Nutrient Management Certification Regulations..... 21 **DE Reg.** 10 (Prop.)

DEPARTMENT OF EDUCATION**Office of the Secretary**

106A Teacher Appraisal Process Delaware Performance Appraisal System
(DPAS II) Revised..... 21 **DE Reg.** 37 (Final)

107A Specialist Appraisal Process Delaware Performance Appraisal System
(DPAS II) Revised..... 21 **DE Reg.** 38 (Final)

108A Administrator Appraisal Process Delaware Performance Appraisal System
(DPAS II) Revised..... 21 **DE Reg.** 40 (Final)

292 Post Secondary Institutions and Degree Granting Institutions of Higher
Education..... 21 **DE Reg.** 11 (Prop.)

613 Uniform Procedures for Processing Attorney General's Reports..... 21 **DE Reg.** 41 (Final)

729 School Custodians..... 21 **DE Reg.** 2 (Prop.)

1202 Delaware Teacher Corps Program..... 21 **DE Reg.** 15 (Prop.)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES**Division of Public Health**

4465 Delaware Radiation Control Regulations..... 21 **DE Reg.** 18 (Prop.)

DEPARTMENT OF INSURANCE**Office of the Commissioner**

1318 Compensation for Chiropractic Services..... 21 **DE Reg.** 19 (Prop.)

DEPARTMENT OF LABOR**Division of Industrial Affairs**

1322 Prevailing Wage Regulations..... 21 **DE Reg.** 22 (Prop.)

1326 Workplace Fraud Act Regulations..... 21 **DE Reg.** 23 (Prop.)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**Division of Air Quality**

1120 New Source Performance Standards..... 21 **DE Reg.** 46 (Final)

Division of Fish and Wildlife

3511 Summer Flounder Size Limits; Possession Limits; Season..... 21 **DE Reg.** 6 (Emer.)

Division of Water

7204 Regulations for Licensing Operators Of Wastewater Facilities 21 **DE Reg.** 31 (Prop.)

DEPARTMENT OF SAFETY AND HOMELAND SECURITY**Division of State Police**

2400 Board of Examiners of Constables..... 21 **DE Reg.** 32 (Prop.)

5500 Bail Enforcement Agents..... 21 **DE Reg.** 49 (Final)

DEPARTMENT OF STATE

Abandoned or Unclaimed Property Voluntary Disclosure Agreement Program

301 Department of State Abandoned or Unclaimed Property Voluntary Disclosure
Agreement Program Regulations Relating to Estimation..... 21 **DE Reg.** 50 (Final)

Division of Professional Regulation

100 Board of Accountancy.....21 **DE Reg.** 53 (Final)
300 Board of Architects.....21 **DE Reg.** 54 (Final)
1000 Board of Pilot Commissioners..... 21 **DE Reg.** 34 (Prop.)
2700 Board of Registration for Professional Land Surveyors..... 21 **DE Reg.** 35 (Prop.)

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

PUBLIC NOTICE

Education Impact Analysis Pursuant To 14 Del.C. §122(d)

728 Graduate Level Salary Increments

A. TYPE OF REGULATORY ACTION REQUIRED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

The Secretary of Education intends to amend 14 DE Admin. Code by adding a new regulation 728 Graduate Level Salary Increments. This regulation is being adopted by the Department as the authority for such issue is found under 14 **Del.C.** Ch. 13, §1315 and is within the Department's purview. Previously this was promulgated by the Professional Standards Board as 14 **DE Admin. Code** 1502 Graduate Level Salary Increments. At this time, no changes are being made from what was in effect under 14 **DE Admin. Code** 1502 Graduate Level Salary Increments as of July 1, 2017; however, the Department will be discussing possible amendments with individuals from the local level.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before September 5, 2017 to Susan K. Haberstroh, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, Finance Office located at the address listed above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The new regulation does not specifically address student achievement as measured against state achievement standards.
2. Will the amended regulation help ensure that all students receive an equitable education? The new

regulation is intended to help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The new regulation does not address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The new regulation helps to ensure that all student's legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The new regulation does not change the decision making 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 new regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated does not change because of the new regulation.

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

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

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no expected cost to implementing this new regulation.

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

http://regulations.delaware.gov/register/august2017/proposed/21_DE_Reg_76RFA_08-01-17.pdf

728 Graduate Level Salary Increments

1.0 Content

This regulation shall apply to graduate level salary increments for educators, pursuant to 14 **Del.C.** §1305(a).

2.0 Definitions

2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

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

"**Critical Needs Areas**" means content, specialty, or administrative areas identified by the Department as areas of shortage in Delaware schools.

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

"**Graduate Level Course**" means any course which is awarded graduate level credit by a regionally accredited college or university.

"**Graduate Level Course of Study**" means a non matriculated but focused and coherent program of study (e.g., a Certificate Program) which is directly linked to professional responsibilities.

"**Matriculated Graduate Credit**" means credit earned from a regionally accredited college or university earned toward a master's degree or a doctoral degree.

"**Skilled and Technical Sciences (STS)**" is also known as Trade and Industrial Education, Career and Technical Education, Career Technical Education or Career-Technical Education.

"**Specialist Degree Program**" means an organized program of study that is beyond a master's degree but below the doctoral consisting of a minimum of sixty (60) graduate semester hours [ninety (90) quarter hours] and a one (1) year supervised internship, or an equivalent program as determined by the Department. Examples of programs include a National Association of School Psychologists

PROPOSED REGULATIONS

(NASP) approved program or an American Psychological Association (APA) accredited program including but not limited to the following: Master's of Education (MEd) with an Educational Specialist (EdS) in School Psychology or a Master's of Science in School Psychology with a Advanced Certificate or Certificate of Advanced Study (CAS) in School Psychology. A master's degree in school psychology may be recognized as a specialist degree program if it meets the additional credit and internship requirements and any graduate credits earned in the program and conferral of the master's degree beyond thirty (30) may be counted beyond the master's degree level.

"Trades and Industry Teacher" means a Skilled and Technical Sciences Teacher, Trade and Industrial Education Teacher or Teacher of Trade and Industries.

"Two Years of College or Technical Training" means a minimum of a high school diploma or its recognized equivalent and the satisfactory completion of any one of the following options in the specific career area of certification (1) an Associate's degree with a major in the specific career area; (2) two years of college majoring in the specific career area with at least 50% of the major courses required for a bachelor's degree satisfactorily completed; (3) a state issued certificate indicating completion of apprenticeship hours and apprentice related training (e.g. journey papers) in the specific career area; (4) completion of four years of sequential Delaware Trade Extension courses in the specific career area; (5) completion of four years of National Center for Construction Education and Research's Contren documented training in the specific career area; (6) a 70% or above score on both the written and performance elements of a Delaware Apprentice-related Education Provider's National Center for Construction Education and Research's Contren-derived full Apprentice Equivalency test-out covering all Apprentice-related Education years in the specific career area; (7) passage of a State of Delaware Licensing Test in the specific career area, offered through the Division of Professional Regulation; (8) 576 hours of military training in the specific career area; (9) 576 hours post-secondary trade school training in the specific career area; (10) a 70% or above score on both the written and performance teacher tests for the National Occupational Competency Testing Institute in the specific career area; (11) an industry recognized certification of technical competence or journey person status in the specific career area, or (12) DOE approved equivalents of any one of the above including but not limited to equivalents from any combination of the above options.

3.0 Matriculation into Master's Degree

- 3.1 Educators who hold a bachelor's degree and who are enrolled in a master's degree program at a regionally accredited college or university may accrue graduate level credits toward salary increments on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a).
- 3.2 No credits earned prior to the conferring of a bachelor's degree may be applied toward movement on the salary schedule.
- 3.3 Credits shall be applied in the order in which they were taken and no credit may be applied more than once toward movement on the salary schedule.
 - 3.3.1 Educators enrolled in a master's degree program at a regionally accredited college or university may apply for movement to the Bachelor's Plus 15 column of the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), upon completion of fifteen (15) graduate credits toward a master's degree.
 - 3.3.2 Educators enrolled in a master's degree program at a regionally accredited college or university may apply for movement to the Bachelor's Plus 30 column of the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), upon completion of thirty (30) graduate credits toward a master's degree.
 - 3.3.3 Upon completion of a master's degree program at a regionally accredited college or university, an educator may apply for movement to the master's degree column of the basic salary schedule for educators, set forth in 14 Del.C. §1305(a).

4.0 Post Master's Degree Course Work

- 4.1 Educators who hold an eligible master's degree from a regionally accredited college or university may accrue credits taken after the conferral date of their first master's degree toward salary increments

toward a Master's Degree Plus 15 graduate credits, a Master's Degree Plus 30 graduate credits, a Master's Degree Plus 45 graduate credits, or a doctoral degree on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a). All credits taken must be graduate level and must be:

- 4.1.1 Earned through a graduate level course of study clearly related to the educator's professional responsibilities and otherwise approved pursuant to 14 Del.C. Ch. 12, or
 - 4.1.2 Earned toward a second master's degree, or
 - 4.1.3 Matriculated graduate credits earned toward a doctoral degree.
- 4.2 Notwithstanding subsection 4.1, graduate credits earned prior to the conferral of a master's degree may be applied toward movement on the salary schedule if the graduate credits are part of a Specialist Degree Program as long as the credits were earned after matriculating into the program.

5.0 Use of Undergraduate and Inservice Credits

- 5.1 Educators entitled to rightward movement on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), on the basis of inservice or undergraduate credits approved prior to July 1, 2004, shall continue to be entitled to such movement in the event of any future application for movement submitted after July 1, 2004.
 - 5.1.1 For example, an educator who holds a Bachelor's Plus 15 or a Bachelor's Plus 30 approved prior to July 1, 2004 and based entirely on inservice or undergraduate credits, shall be entitled to move to a Master's Degree Plus 15 or Master's Degree Plus 30, whichever is applicable, upon completion of a master's degree program.

6.0 Credits Expressed as Semester Hours

- 6.1 All credits must be expressed in terms of semester hours.
- 6.2 College or university credits expressed in quarter hours will be converted by the Department to semester hours by multiplying the number of quarter hours by two thirds.

7.0 Acceptable Grades

All grades for graduate level credit submitted for a graduate level salary increment must be a grade of "B" or higher. In the case of credits earned on a pass/fail basis, a grade of "pass" is acceptable.

8.0 Skilled and Technical Sciences Teachers

- 8.1 A bachelor's degree equivalent for Skilled and Technical Sciences teachers (formerly Trade and Industrial Education) shall be two years of college or technical training and six years of work experience (14 Del.C. §1301).
- 8.2 Undergraduate credit in a matriculated bachelor's degree may be accepted in lieu of graduate credit for Skilled and Technical Sciences teachers who do not hold a bachelor's degree.
- 8.3 Initial placement on the basic salary schedule for educators, set forth in 14 Del.C. §1305, for Skilled and Technical Sciences teachers who have completed two years of college or technical training and six years of work experience, is at the bachelor's degree level.
- 8.4 In order to be eligible for movement on the basic salary schedule, Skilled and Technical Sciences teachers must possess a Standard Certificate in Skilled and Technical Sciences.
- 8.5 Movement beyond the bachelor's degree level on the basic salary schedule for Skilled and Technical Sciences teachers shall apply as follows:
 - 8.5.1 Seventy-five (75) credits toward a bachelor's degree is equivalent to a Bachelor's Degree Plus 15 credits.
 - 8.5.2 Ninety (90) credits toward a bachelor's degree is equivalent to a Bachelor's Degree Plus 30 credits.
 - 8.5.3 A bachelor's degree is equivalent to a master's degree on the basic salary schedule.
 - 8.5.4 A master's degree is equivalent to a Master's Degree Plus 15 credits on the basic salary schedule.

PROPOSED REGULATIONS

- 8.5.5 A master's degree plus 15 credits is equivalent to a Master's Degree Plus 30 credits on the basic salary schedule.
- 8.5.6 A Master's Degree Plus 30 credits is equivalent to a Master's Degree Plus 45 credits on the basic salary schedule.
- 8.5.7 A Master's Degree Plus 45 credits is equivalent to a Doctoral degree on the basic salary schedule.

9.0 Alternate Routes to Certification Program

Graduate credits which are included in the approved Alternative Routes to Certification program, as defined in 14 Del.C. Ch. 12, subchapter VI, are recognized as a graduate level course of study and may be applied by educators who hold master's degrees and who are enrolled in the approved Alternative Routes program toward a Master's Degree Plus 15 credits, a Master's Degree Plus 30 credits, a Master's Degree Plus 45 credits or a Doctoral degree on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a).

10.0 Eligibility for Graduate Level Salary Increments

- 10.1 Where applicable and available, an applicant for a graduate level salary increment must hold an Initial, Continuing, or Advanced License issued by the Department in accordance with 14 Del.C. Ch. 12, Subchapter III.
- 10.2 An educator employed on an Emergency Certificate pursuant to 14 Del.C. §1506 is eligible to receive a salary increment.

11.0 Acceptable Professional Degrees

- 11.1 In order to be applicable to graduate level salary increments, master's and doctoral degrees must be directly related to an area or specialty in which the educator is employed, or as required by regulation.
- 11.2 Any such request from a district or charter school, if applicable, must be in writing and must be submitted with the completed application for a salary increment.

12.0 Application Procedures

- 12.1 Upon completion of the credits required for movement on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), an applicant may apply for a salary increment. No applications will be considered prior to the completion of credits necessary for movement on the salary schedule.
 - 12.1.1 An applicant shall submit an electronic salary increment application through DEEDS.
 - 12.1.2 The applicant shall arrange for official transcripts (unopened and unaltered) to be submitted by the institution of higher learning directly to the employer's Human Resources Office. The application will be reviewed and either approved or denied by the employer. The Department in its discretion may also accept verification of an official transcript by other means if the authenticity of the transcript can be made.
 - 12.1.3 An application for a salary increment for the current fiscal year (July 1 to June 30) must be received in the Department no later than June 1. Applications received after June 1 will be approved effective the first day of the next fiscal year. If approved by the District/Charter, the application will be submitted to the Department for review and either denial or approval. Official transcripts must be submitted to the Department with the application.

13.0 Effective Date of Salary Adjustment

- 13.1 The salary adjustment shall be made after the evaluation and approval of the candidate's application by the Department.
 - 13.1.1 The adjustment will be authorized to be made retroactive to the first of the month following the date certified by transcript or official grade slip as to when the program or credit was completed.
 - 13.1.2 Applications received after June 1 will be approved effective the first day of the next fiscal year.

13.2 Retroactive salary adjustment may be by a single payment or by payments divided equally among all the pay periods remaining in a current fiscal year as may be determined by the district or state fiscal officers.

13.3 No salary increment shall be retroactive to a prior fiscal year.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1502

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1502 Graduate Level Salary Increments

A. TYPE OF REGULATORY ACTION REQUESTED

Repeal of Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203 & 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to repeal 14 **DE Admin. Code** 1502 Graduate Level Salary Increments. This regulation concerns graduate level salary increments for educators pursuant to 14 **Del.C.** Ch. 13. It was determined that the Department has the authority to promulgate regulations concerning 14 **Del.C.** Ch. 13. The Department is working to have a regulation in place that addresses graduate level salary increments for educators pursuant to 14 **Del.C.** Ch. 13.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the proposed or amended regulation help improve student achievement as measured against state achievement standards? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 **Del.C.** Ch. 13.

2. Will the proposed or amended regulation help ensure that all students receive an equitable education? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 **Del.C.** Ch. 13.

3. Will the proposed or amended regulation help to ensure all student's health and safety are adequately protected? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 **Del.C.** Ch. 13.

4. Will the proposed or amended regulation help to ensure that all students' legal rights are respected? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 **Del.C.** Ch. 13.

5. Will the proposed or amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 **Del.C.** Ch. 13.

6. Will the proposed or amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14

Del.C. Ch. 13.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 Del.C. Ch. 13.

8. Will the proposed or 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 regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 Del.C. Ch. 13.

9. Is there a less burdensome method for addressing the purpose of the proposed or amended regulation? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 Del.C. Ch. 13.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? The regulation is being repealed because it was determined that the Department of Education has the authority to promulgate regulations concerning 14 Del.C. Ch. 13.

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 81RFA 08-01-17.pdf>

~~1502 Graduate Level Salary Increments~~

(Effective 7/1/04)

~~1.0 Content~~

~~This regulation shall apply to graduate level salary increments for educators, pursuant to 14 Del.C. §1305 (a).~~

~~2.0 Definitions~~

~~2.1 The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

~~2.2 The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:~~

~~"Critical Needs Areas" means content, specialty, or administrative areas identified by the Department as areas of shortage in Delaware schools.~~

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

~~"Graduate Level Course" means any course which is awarded graduate level credit by a regionally accredited college or university.~~

~~"Graduate Level Course of Study" means a non-matriculated but focused and coherent program of study (e.g., a Certificate Program) which is directly linked to professional responsibilities.~~

~~"Matriculated Graduate Credit" means credit earned from a regionally accredited college or university earned toward a master's degree or a doctoral degree.~~

~~"Skilled and Technical Sciences (STS)" is also known as Trade and Industrial Education, Career and Technical Education, Career Technical Education or Career-Technical Education.~~

~~"Specialist Degree Program" means an organized program of study that is beyond a master's degree but below the doctoral consisting of a minimum of sixty (60) graduate semester hours [ninety (90) quarter hours] and a one (1) year supervised internship, or an equivalent program as determined by the Department. Examples of programs include a National Association of School Psychologists (NASP) approved program or an American Psychological Association (APA) accredited program including but not limited to the following: Master's of Education (MEd) with an Educational Specialist (EdS) in School Psychology or a Master's of Science in School Psychology with a Advanced Certificate or Certificate of Advanced Study (CAS) in School Psychology. A master's degree in school~~

psychology may be recognized as a specialist degree program if it meets the additional credit and internship requirements and any graduate credits earned in the program and conferral of the master's degree beyond thirty (30) may be counted beyond the master's degree level.

~~"Trades and Industry Teacher"~~ means a Skilled and Technical Sciences Teacher, Trade and Industrial Education Teacher or Teacher of Trade and Industries.

~~"Two Years of College or Technical Training"~~ means a minimum of a high school diploma or its recognized equivalent and the satisfactory completion of any one of the following options in the specific career area of certification (1) an Associate's degree with a major in the specific career area; (2) two years of college majoring in the specific career area with at least 50% of the major courses required for a bachelor's degree satisfactorily completed; (3) a state issued certificate indicating completion of apprenticeship hours and apprentice related training (e.g. journey papers) in the specific career area; (4) completion of four years of sequential Delaware Trade Extension courses in the specific career area; (5) completion of four years of National Center for Construction Education and Research's Contren documented training in the specific career area; (6) a 70% or above score on both the written and performance elements of a Delaware Apprentice-related Education Provider's National Center for Construction Education and Research's Contren-derived full Apprentice Equivalency test-out covering all Apprentice-related Education years in the specific career area; (7) passage of a State of Delaware Licensing Test in the specific career area, offered through the Division of Professional Regulation; (8) 576 hours of military training in the specific career area; (9) 576 hours post-secondary trade school training in the specific career area; (10) a 70% or above score on both the written and performance teacher tests for the National Occupational Competency Testing Institute in the specific career area; (11) an industry recognized certification of technical competence or journey person status in the specific career area, or (12) DOE approved equivalents of any one of the above including but not limited to equivalents from any combination of the above options.

3.0 Matriculation into Master's Degree

- 3.1 Educators who hold a bachelor's degree and who are enrolled in a master's degree program at a regionally accredited college or university may accrue graduate level credits toward salary increments on the basic salary schedule for educators, set forth in 14 ~~Del.C.~~ §1305 (a).
- 3.2 No credits earned prior to the conferring of a bachelor's degree may be applied toward movement on the salary schedule.
- 3.3 Credits shall be applied in the order in which they were taken and no credit may be applied more than once toward movement on the salary schedule.
 - 3.3.1 Educators enrolled in a master's degree program at a regionally accredited college or university may apply for movement to the Bachelor's Plus 15 column of the basic salary schedule for educators, set forth in 14 ~~Del.C.~~ §1305 (a), upon completion of fifteen (15) graduate credits toward a master's degree.
 - 3.3.2 Educators enrolled in a master's degree program at a regionally accredited college or university may apply for movement to the Bachelor's Plus 30 column of the basic salary schedule for educators, set forth in 14 ~~Del.C.~~ §1305 (a), upon completion of thirty (30) graduate credits toward a master's degree.
 - 3.3.3 Upon completion of a master's degree program at a regionally accredited college or university, an educator may apply for movement to the master's degree column of the basic salary schedule for educators, set forth in 14 ~~Del.C.~~ §1305 (a).

4.0 Post Master's Degree Course Work

- 4.1 Educators who hold an eligible master's degree from a regionally accredited college or university may accrue credits taken after the conferral date of their first master's degree toward salary increments toward a Master's Degree Plus 15 graduate credits, a Master's Degree Plus 30 graduate credits, a Master's Degree Plus 45 graduate credits, or a doctoral degree on the basic salary schedule for educators, set forth in 14 ~~Del.C.~~ §1305 (a). All credits taken must be graduate level and must be:

- 4.1.1 ~~Earned through a graduate level course of study clearly related to the educator's professional responsibilities and otherwise approved pursuant to 14 Del.C. Ch. 12, or~~
- 4.1.2 ~~Earned toward a second master's degree, or~~
- 4.1.3 ~~Matriculated graduate credits earned toward a doctoral degree.~~
- 4.2 ~~Notwithstanding 4.1, graduate credits earned prior to the conferral of a master's degree may be applied toward movement on the salary schedule if the graduate credits are part of a Specialist Degree Program as long as the credits were earned after matriculating into the program.~~

5.0 Use of Undergraduate and Inservice Credits

- 5.1 ~~Educators entitled to rightward movement on the basic salary schedule for educators, set forth in 14 Del.C. §1305 (a), on the basis of inservice or undergraduate credits approved prior to July 1, 2004, shall continue to be entitled to such movement in the event of any future application for movement submitted after July 1, 2004.~~
 - 5.1.1 ~~For example, an educator who holds a Bachelor's Plus 15 or a Bachelor's Plus 30 approved prior to July 1, 2004 and based entirely on inservice or undergraduate credits, shall be entitled to move to a Master's Degree Plus 15 or Master's Degree Plus 30, whichever is applicable, upon completion of a master's degree program.~~

6.0 Credits Expressed as Semester Hours

- 6.1 ~~All credits must be expressed in terms of semester hours.~~
- 6.2 ~~College or university credits expressed in quarter hours will be converted by the Department to semester hours by multiplying the number of quarter hours by two thirds.~~

7.0 ~~Acceptable Grades~~

~~All grades for graduate level credit submitted for a graduate level salary increment must be a grade of "B" or higher. In the case of credits earned on a pass/fail basis, a grade of "pass" is acceptable.~~

8.0 Skilled and Technical Sciences Teachers

- 8.1 ~~A bachelor's degree equivalent for Skilled and Technical Sciences teachers (formerly Trade and Industrial Education) shall be two years of college or technical training and six years of work experience (14 Del.C. §1301).~~
- 8.2 ~~Undergraduate credit in a matriculated bachelor's degree may be accepted in lieu of graduate credit for Skilled and Technical Sciences teachers who do not hold a bachelor's degree.~~
- 8.3 ~~Initial placement on the basic salary schedule for educators, set forth in 14 Del.C. §1305, for Skilled and Technical Sciences teachers who have completed two years of college or technical training and six years of work experience, is at the bachelor's degree level.~~
- 8.4 ~~In order to be eligible for movement on the basic salary schedule, Skilled and Technical Sciences teachers must possess a Standard Certificate in Skilled and Technical Sciences.~~
- 8.5 ~~Movement beyond the bachelor's degree level on the basic salary schedule for Skilled and Technical Sciences teachers shall apply as follows:~~
 - 8.5.1 ~~Seventy five (75) credits toward a bachelor's degree is equivalent to a Bachelor's Degree Plus 15 credits.~~
 - 8.5.2 ~~Ninety (90) credits toward a bachelor's degree is equivalent to a Bachelor's Degree Plus 30 credits.~~
 - 8.5.3 ~~A bachelor's degree is equivalent to a master's degree on the basic salary schedule.~~
 - 8.5.4 ~~A master's degree is equivalent to a Master's Degree Plus 15 credits on the basic salary schedule.~~
 - 8.5.5 ~~A master's degree plus 15 credits is equivalent to a Master's Degree Plus 30 credits on the basic salary schedule.~~

- ~~8.5.6 A Master's Degree Plus 30 credits is equivalent to a Master's Degree Plus 45 credits on the basic salary schedule.~~
- ~~8.5.7 A Master's Degree Plus 45 credits is equivalent to a Doctoral degree on the basic salary schedule.~~

9.0 Alternate Routes to Certification Program

~~Graduate credits which are included in the approved Alternative Routes to Certification program, as defined in 14 **Del.C.**, Ch. 12, subchapter VI, are recognized as a graduate level course of study and may be applied by educators who hold master's degrees and who are enrolled in the approved Alternative Routes program toward a Master's Degree Plus 15 credits, a Master's Degree Plus 30 credits, a Master's Degree Plus 45 credits or a Doctoral degree on the basic salary schedule for educators, set forth in 14 **Del.C.** §1305 (a).~~

10.0 Eligibility for Graduate Level Salary Increments

- ~~10.1 Where applicable and available, an applicant for a graduate level salary increment must hold an Initial, Continuing, or Advanced License issued by the Department in accordance with 14 **Del.C.**, Ch. 12, Subchapter III.~~
- ~~10.2 An educator employed on an Emergency Certificate pursuant to 14 **Del.C.** §1506 is eligible to receive a salary increment.~~

11.0 Acceptable Professional Degrees

- ~~11.1 In order to be applicable to graduate level salary increments, master's and doctoral degrees must be directly related to an area or specialty in which the educator is employed, or as required by regulation.~~
- ~~11.2 Any such request from a district or charter school, if applicable, must be in writing and must be submitted with the completed application for a salary increment.~~

12.0 Application Procedures

- ~~12.1 Upon completion of the credits required for movement on the basic salary schedule for educators, set forth in 14 **Del.C.** §1305(a), an applicant may apply for a salary increment. No applications will be considered prior to the completion of credits necessary for movement on the salary schedule.~~
- ~~12.1.1 An applicant shall submit an electronic salary increment application through DEEDS.~~
- ~~12.1.2 The applicant shall arrange for official transcripts (unopened and unaltered) to be submitted by the institution of higher learning directly to the employer's Human Resources Office. The application will be reviewed and either approved or denied by the employer. The Department in its discretion may also accept verification of an official transcript by other means if the authenticity of the transcript can be made.~~
- ~~12.1.3 An application for a salary increment for the current fiscal year (July 1 to June 30) must be received in the Department no later than June 1. Applications received after June 1 will be approved effective the first day of the next fiscal year. If approved by the District/Charter, the application will be submitted to the Department for review and either denial or approval. Official transcripts must be submitted to the Department with the application.~~

13.0 Effective Date of Salary Adjustment

- ~~13.1 The salary adjustment shall be made after the evaluation and approval of the candidate's application by the Department.~~
- ~~13.1.1 The adjustment will be authorized to be made retroactive to the first of the month following the date certified by transcript or official grade slip as to when the program or credit was completed.~~
- ~~13.1.2 Applications received after June 1 will be approved effective the first day of the next fiscal year.~~
- ~~13.2 Retroactive salary adjustment may be by a single payment or by payments divided equally among all the pay periods remaining in a current fiscal year as may be determined by the district or state fiscal officers.~~

13.3 No salary increment shall be retroactive to a prior fiscal year.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1505

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1505 Standard Certificate

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1505 Standard Certificate. The regulation concerns the requirements for the issuance of a Standard Certificate. The proposed changes include replacing the word "PRAXIS™ II" with the current terminology for ETS' examinations of content knowledge (i.e., "Praxis Subject Assessment") in Sections 2.0 and 4.0; striking the definitions of "DPAS," "Fifteen (15) Credits or Their Equivalent in Professional Development," "Major or its Equivalent," "NASDTEC," "NCATE," and "Teaching Experience" from Section 2.0 because the terms do not appear elsewhere in the regulation; amending Section 3.0 to clarify the requirements for the Department to issue a standard certificate under 14 **Del.C.** §1220; amending Section 4.0 to clarify that examinations of content knowledge are specified by the Board and State Board of Education; amending Section 6.0 to clarify the requirements for applying for a standard certificate; amending Section 8.0 to clarify the requirements for a standard certificate to be valid and to create a Section 9.0, which applies to revocation of a standard certificate and is based on existing language, and to strike "other employing authority" from Section 10.0 to be consistent with the existing definition of "Employing Authority" in Section 2.0.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary

reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

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

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

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

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

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 86RFA 08-01-17.pdf>

1505 Standard Certificate

1.0 Content

4-4 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a).

2.0 Definitions

2-4 The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“**Certification**” means the issuance of a certificate, which may occur regardless of a recipient's assignment or employment status.

“**Department**” means the Delaware Department of Education.

~~“**DPAS**” means an approved state educator performance system pursuant to 14 **Del.C.** Ch. 12, Subchapter VII.~~

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

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

“**Examination of Content Knowledge**” means a standardized test which measures knowledge in a specific content area, such as ~~PRAXIS™~~ *Praxis Subject Assessment*.

~~“**Fifteen (15) Credits or Their Equivalent in Professional Development**” means college credits or an equivalent number of hours, with one (1) credit equating to fifteen (15) hours taken either as part of a degree program or in addition to it, from a regionally accredited college or university or a professional development provider approved by the Department.~~

“**Immorality**” means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator’s effectiveness by reason of his or her unfitness or otherwise.

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

~~“Major or its Equivalent” means a minimum of thirty (30) semester hours of course work in a particular content area.~~

~~“NASDTEC” means The National Association of State Directors of Teacher Education and Certification. The organization represents professional standards boards, commissions and departments of education in all fifty (50) states, the District of Columbia, the Department of Defense Dependent Schools, the U.S. Territories, New Zealand, and British Columbia, which are responsible for the preparation, licensure, and discipline of educational personnel.~~

~~“NCATE” means The National Council for Accreditation of Teacher Education, a national accrediting body for schools, colleges, and departments of education authorized by the U.S. Department of Education.~~

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

“Second Certificate” or **“Second Standard Certificate”** means any Standard Certificate issue after the first Standard Certificate including any second or subsequent Standard Certificate.

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

“Standards Board” means the Professional Standards Board established pursuant to 14 Del.C. §1201.

~~“State Board” means the State Board of Education of the State of Delaware pursuant to 14 Del.C. §104.~~

~~“Teaching Experience” means meeting students on a regularly scheduled basis, planning and delivering instruction, developing or preparing instructional materials, and evaluating student performance under a State credential in any PreK to 12 public school setting or an equivalent setting as approved by the Department.~~

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

3.0 Standard Certificate

The Department shall issue a Standard Certificate to an educator who ~~holds a valid Delaware Initial, Continuing or Advanced License; or Standard or Professional Status Certificate issued prior to August 31, 2003, who~~ has met one of the following requirements:

3.1 Acquired the prescribed knowledge, skill or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students by:

3.1.1 Completing an Approved Educator Preparation Program or Advanced Certification

3.1.1.1 Obtaining National Board for Professional Teaching Standards certification in the area, subject, or category for which a Standard Certificate is requested; or

3.1.1.2 Graduating from an NCATE specialty organization recognized educator preparation program or from a state approved educator preparation program, offered by a regionally accredited college or university with a major or its equivalent in the area of the Standard Certificate requested. For both programs, the state approval body shall employ the appropriate NASDTEC or NCATE specialty organization standards; or

3.1.1.3 Satisfactorily completing an Alternative Routes for Licensure and Certification Program, the Special Institute for Licensure and Certification, or such other educator preparation

~~programs as the Secretary or the Standards Board with the consent of the State Board, may approve; or~~

~~3.1.2 Meeting the requirements set forth in the relevant Department or Standards Board regulation governing the issuance of a Standard Certificate in the area for which a Standard Certificate is sought; or~~

~~3.1.3 Holding a bachelor's degree from a regionally accredited college or university in any content area and~~

~~3.1.3.1 for applicants applying for their first Standard Certificate, satisfactory completion of fifteen (15) credits or their equivalent in professional development related to their area of certification, of which at least six (6) or their equivalent credits must focus on pedagogy.~~

~~3.1.3.1.1 The fifteen (15) credits or their equivalent in professional development are selected by the applicant in consultation with the employing school district or charter school.~~

~~3.1.3.1.2 The fifteen (15) credits or their equivalent in professional development is subject to Department approval.~~

~~3.1.3.1.3 In the case where there is no employing authority or the new Standard Certificate requested is outside the applicant's current spectrum of employment, the proposed fifteen (15) credits or their equivalent in professional development is selected by the applicant in consultation with the Department. The final selection is subject to Department approval; or~~

3.1 Holds a valid Delaware Initial, Continuing, or Advanced License or Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and meets the requirements set forth in the relevant regulation governing the issuance of a Standard Certificate in the area for which a Standard Certificate is requested, including any additional requirements.

3.2 Met the requirements for licensure and ~~holding~~ holds a valid and current license or certificate from another state in the area for which a Standard Certificate is requested; ~~or.~~

3.3 Met the requirements for a Meritorious New Teacher Candidate Designation adopted pursuant to 14 Del.C §1203.

3.4 If additional criteria are imposed by a specific regulation in the area for which a Standard Certificate is sought, the additional requirement(s) must also be met.

4.0 Testing Requirements

Pursuant to 14 Del.C. §1220(a), where an examination of content knowledge, such as a Praxis™ II examination ~~Praxis Subject Assessment~~, is applicable and available in the area of the Standard Certificate sought, the applicant shall achieve a passing score as established ~~specified~~ by the Standards Board, ~~in consultation with the Department and with the concurrence of the State Board.~~

5.0 Multiple Standard Certificates

5.1 Educators may hold a Standard Certificates in more than one area.

5.2 Educators applying for their second or subsequent Standard Certificate(s) must meet the qualifications in ~~section~~ Section 3.0 for each additional Standard Certificate.

6.0 Application Requirements

6.1 The following documents are required in the application for a Standard Certificate:

6.1.1 Official transcripts from a regionally accredited college or university.

6.1.1.1 Electronic transcripts may be submitted by the employing authority or by the regionally accredited college or university; or

6.1.1.2 Sealed paper transcripts may be submitted.

6.1.1.3 The Department will not accept copies of transcripts.

6.2 If applicable, documents verifying successful completion of professional development; and

PROPOSED REGULATIONS

6.3 One of the following:

~~6.3.1~~ Official scores on an examination of content knowledge ~~such as the Praxis II examination~~ if applicable and available; or

~~6.4~~ ~~6.3.2~~ Evidence of passage of the National Board for Professional Teaching Standards Certificate; if applicable; or

~~6.5~~ ~~6.3.3~~ An official copy of the valid and current educator license or certificate from another state or professional license if applicable; and

~~6.6~~ ~~6.4~~ If applying for an ~~initial license~~ Initial License, a Standard Certificate must be applied for simultaneously with application for a License, and the applicant shall also provide all required documentation for the license; and

~~6.5~~ If applicable, an experience form must be completed in full and signed by the applicant; and

~~6.6~~ Additional documentation as required by the Department.

7.0 **Application Procedures for License Holders**

7.1 If an applicant holds a valid Initial, Continuing, or Advanced Delaware License; or a Standard or Professional Status Certificate issued prior to August 31, 2003 and is requesting additional Standard Certificates, only that documentation necessary to demonstrate acquisition of the prescribed knowledge, skill, or education required for the additional Standard Certificate requested is required.

7.2 Notwithstanding any provision to the contrary herein, or in any ~~Department or Standards Board content area, subject or category~~ Standard Certificate regulation (including ~~14 DE Admin. Code, 1500, et. seq.~~) in 14 DE Admin. Code 1500 Professional Standards Board, the Department shall not act on an application for certification if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the alleged conduct involves allegations of immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials, until the applicant provides evidence of the investigation's resolution.

8.0 **Validity of a Standard Certificate**

8.1 A Standard Certificate is valid regardless of the assignment or employment status of the holder of a Standard Certificate or Standard Certificates provided that the educator's license remains current and valid.

~~8.1.1~~ ~~8.2A~~ Standard Certificate is not subject to renewal.

~~8.2~~ An educator's Standard Certificate(s) shall be revoked in the event the educator's Initial, Continuing, or Advanced License or Standard, or Professional Status Certificate is revoked in accordance with ~~14 DE Admin Code 1514.~~

~~8.3~~ An educator whose License or Standard Certificate is revoked is entitled to a full and fair hearing before the Standards Board.

~~8.3.1~~ Hearings shall be conducted in accordance with the Standards Board's Hearing Procedures and Rules.

9.0 **Revocation of a Standard Certificate**

9.1 An educator's Standard Certificate(s) shall be revoked in the event the educator's Initial, Continuing, or Advanced License or Standard or Professional Status Certificate is revoked or the educator made a materially false or misleading statement in the educator's Standard Certificate application in accordance with 14 Del.C. §1222.

9.2 An educator whose Standard Certificate is noticed for revocation is entitled to a full and fair hearing before the Standards Board.

9.2.1 Hearings shall be conducted in accordance with the Standards Board's Hearing Procedures and Rules.

9-0 10.0 Secretary of Education Review

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

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1520

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1520 Early Childhood Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1520 Early Childhood Teacher. The regulation concerns the requirements for a Standard Certificate for Early Childhood Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; striking Limited Standard Certificate from subsection 3.1.1 to be consistent with the language of 14 DE Admin. Code 1505 Standard Certificate; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Early Childhood Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

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

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

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

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

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 91RFA 08-01-17.pdf>

1520 Early Childhood Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Early Childhood Teacher. This certification is valid for birth to grade two (2); however, certification as an Elementary Teacher may also be used in K to grade 2.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as an Early Childhood Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a ~~Limited Standard~~, Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - Education of Young Children (ETS Test # 5024) a Passing Score of 160.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1531

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1531 Middle Level English Language Arts Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1531 Middle Level English Language Arts Teacher. The regulation concerns the requirements for a Standard Certificate for Middle Level English Language Arts Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Middle Level English Language Arts Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

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

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 93RFA 08-01-17.pdf>

1531 Middle Level English Language Arts Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Middle Level English Language Arts Teacher. This certification is required for grades 6, 7 and 8 in a Middle Level school. Notwithstanding the above requirement, the Secondary English Language Arts Teacher Certification may be used for grades 6, 7 and 8 in a Middle Level school in lieu of this certification.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Middle Level English Language Arts Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - Middle School English Language Arts (ETS Test # 5047) a Passing Score of 164.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1532

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1532 Middle Level Mathematics Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1532 Middle Level Mathematics Teacher. The regulation concerns the requirements for a Standard Certificate for Middle Level Mathematics Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Middle Level Mathematics Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

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

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

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 95RFA 08-01-17.pdf>

1532 Middle Level Mathematics Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate pursuant to 14 **Del.C.** §1220(a), for Middle Level Mathematics Teacher. This certification is required for grades 6, 7 and 8 in a Middle Level school. Notwithstanding the above requirement, the Secondary Mathematics Teacher Certification may be used for grades 6, 7 and 8 in a Middle Level school in lieu of this certification.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Middle Level Mathematics Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - Middle School Mathematics (ETS Test # 5169) a Passing Score of 165.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1533

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1533 Middle Level Science Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1533 Middle Level Science Teacher. The regulation concerns the requirements for a Standard Certificate for Middle Level Science Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Middle Level Science Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

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

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

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 97RFA 08-01-17.pdf>

1533 Middle Level Science Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Middle Level Science Teacher. This certification is required for grades 6, 7 and 8 in a Middle Level school. Notwithstanding the above requirement, the Secondary Science Teacher Certification may be used for grades 6, 7 and 8 in a Middle Level school in lieu of this certification.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Middle Level Science Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - Middle School Science (ETS Test # 5440) a Passing Score of 150.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1534

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1534 Middle Level Social Studies Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1534 Social Studies Teacher. The regulation concerns the requirements for a Standard Certificate for Middle Level Social Studies Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Middle Level Social Studies Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

less burdensome method for addressing the purpose of this amended regulation.

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

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 99RFA 08-01-17.pdf>

1534 Middle Level Social Studies Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Middle Level Social Studies Teacher. This certification is required for grades 6, 7 and 8 in a Middle Level school. Notwithstanding the above requirement, the Secondary Social Studies Teacher Certification may be used for grades 6, 7 and 8 in a Middle Level school in lieu of this certification.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Middle Level Social Studies Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - Middle School Social Studies (ETS Test # 5089) a Passing Score of 164.
-

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1539

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1539 Health Education Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1539 Health Education Teacher. The regulation concerns the requirements for a Standard Certificate for Health Education Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Health Education Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

less burdensome method for addressing the purpose of this amended regulation.

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

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 101RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20101RFA%2008-01-17.pdf)

1539 Health Education Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Health Education Teacher. This certification is required for all Health Education Teachers in Delaware public schools.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Health Education Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment:
 - 4.1.1.1 Health Education (ETS Test # 5551) a Passing Score of 162; or
 - 4.1.1.2 Health and Physical Education: Content Knowledge (ETS Test # 5857) a Passing Score of 160.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1540

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1540 Secondary English Language Arts Teacher**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1540 Secondary English Language Arts Teacher. The regulation concerns the requirements for a Standard Certificate for Secondary English Language Arts Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Secondary English Language Arts Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

less burdensome method for addressing the purpose of this amended regulation.

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

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 103RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20103RFA%2008-01-17.pdf)

1540 Secondary English Language Arts Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Secondary English Language Arts Teacher. This certification is required for grades 9 to 12 and is valid in a Middle Level school, grades 6 to 8 and may be used in lieu of the Middle Level English Language Arts Teacher certification in grades 6 to 8.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Secondary English Language Arts Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - English Language Arts: Content Knowledge (ETS Test # 5038) a Passing Score of 167.
-

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1542

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1542 Secondary Mathematics Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1542 Secondary Mathematics Teacher. The regulation concerns the requirements for a Standard Certificate for Secondary Mathematics Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Secondary Mathematics Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

less burdensome method for addressing the purpose of this amended regulation.

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

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 105RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20105RFA%2008-01-17.pdf)

1542 Secondary Mathematics Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Secondary Mathematics Teacher. This certification is required for grades 9 to 12 and is valid in a Middle Level school, grades 6 to 8 and may be used in lieu of the Middle Level Mathematics Teacher certification in grades 6 to 8.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Secondary Mathematics Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - Mathematics: Content Knowledge (ETS Test # 5161) a Passing Score of 160.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1544

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1544 Secondary Social Studies Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1544 Secondary Social Studies Teacher. The regulation concerns the requirements for a Standard Certificate for Secondary Social Studies Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Secondary Social Studies Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

less burdensome method for addressing the purpose of this amended regulation.

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

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 107RFA 08-01-17.pdf>

1544 Secondary Social Studies Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Secondary Social Studies Teacher. This certification is required for grades 9 to 12 and is valid in a Middle Level school, grades 6 to 8 and may be used in lieu of the Middle Level Social Studies Teacher certification in grades 6 to 8.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Secondary Social Studies Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment – Social Studies: Content Knowledge (ETS Test # 5081) a Passing Score of 157.
-

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1550

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1550 AgriScience Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1550 AgriScience Teacher. The regulation concerns the requirements for a Standard Certificate for AgriScience Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for AgriScience Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.
7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to certification of educators.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state

educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

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

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

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 109RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21_DE_Reg_109RFA_08-01-17.pdf)

1550 AgriScience Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for AgriScience Teacher. This certification is required for grades 9 to 12, and in grades 6 to 8 in a Middle Level school.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as an AgriScience Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the Praxis Subject Assessment - Agriculture (ETS Test # 5701) a Passing Score of 147.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1551

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1551 Business Education Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1551 Business Education Teacher. The regulation concerns the requirements for a Standard Certificate for Business Education Teacher. The proposed changes include striking the term "major in business" from subsection 2.2 as the term does not appear elsewhere in the regulation; adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Business Education Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

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

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

http://regulations.delaware.gov/register/august2017/proposed/21_DE_Reg_111RFA_08-01-17.pdf

1551 Business Education Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Business Education Teacher. This certification is required for grades 9 to 12, and in grades 6 to 8 in a Middle Level school.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following words word and terms term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

~~"Major in Business" means a major in business administration or management, or a related field, including, but not limited to, accounting, economics, finance or marketing.~~

"Passing Score" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Business Education Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and,~~
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the Praxis Subject Assessment - Business Education: Content Knowledge (ETS Test # 5101) a Passing Score of 154.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1553

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1553 Driver Education and Traffic Safety Education Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1553 Driver Education and Traffic Safety Education Teacher. The regulation concerns the requirements for a Standard Certificate for Driver Education and Traffic Safety Education Teacher. The proposed changes include adding a Standard Certificate issued prior to August 31, 2003 to satisfy the requirement under subsection 3.1.1 to be consistent with 14 **DE Admin. Code** 1505 Standard Certificate; adding "Technology and Teaching Driver's Education" under subsection 4.1.1.7 to allow educators an additional, optional area of professional development; and adding subsection 4.4 to specify that educators are not required to take an examination of content knowledge for this Standard Certificate.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

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

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 113RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20113RFA%2008-01-17.pdf)

1553 Driver Education and Traffic Safety Education Teacher

1.0 Content

- 1.1 This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Driver Education and Traffic Safety Education Teacher.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Driver Education and Traffic Safety Education Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and;
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; and;
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall also have met the following:
 - 4.1.1 Education requirements:
 - 4.1.1.1 A minimum of twenty-one (21) credits, taken either as part of a degree program or in addition to it from a regionally accredited college or university, or their equivalent in professional development approved by the Department in the following areas:
 - 4.1.1.1.1 Human Development (3 credits);
 - 4.1.1.1.2 Identifying and Treating Exceptionalities (3 credits);
 - 4.1.1.1.3 Effective Teaching Strategies (3 credits);
 - 4.1.1.1.4 Cultural Diversity (3 credits);
 - 4.1.1.1.5 Driver Education, Methods and Materials (3 credits);
 - 4.1.1.1.6 Driver Education, In Car Training (3 credits); and

- 4.1.1.1.7 Three (3) credits selected from one (1) of the following areas:
- 4.1.1.1.7.1 Alcohol and Drug Education (3 credits);
 - 4.1.1.1.7.2 Current Issues in Driver Education (3 credits);
 - 4.1.1.1.7.3 Problems in Driver and Safety Education (3 credits);
 - 4.1.1.1.7.4 First Aid (3 credits);
 - 4.1.1.1.7.5 Teaching Students with Disabilities (3 credits); ~~or~~
 - 4.1.1.1.7.6 Education for Safe Living (3 credits); ~~or~~
 - 4.1.1.1.7.7 Technology and Teaching Driver's Education.
- 4.1.2 Driver's License Requirements.
- 4.1.2.1 The applicant shall hold a valid driver's license.
 - 4.1.2.2 The applicant's driving record shall have no more than five (5) points total from Delaware or any other jurisdiction at the time of application.
 - 4.1.2.3 The applicant's driver's license shall not have been suspended, revoked, or disqualified in Delaware or any other jurisdiction in the last five (5) years and the applicant's driver's license shall remain valid for the duration of the applicant's employment under this Standard Certificate.
- 4.1.3 The educator shall notify the Department immediately if they fail to meet the Driver's License Requirements.
- 4.1.4 Testing Requirement:
- 4.1.4.1 The applicant is not required to take and achieve a passing score on an examination of content knowledge.
-

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1554

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1554 Family and Consumer Sciences Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1554 Family and Consumer Sciences Teacher. The regulation concerns the requirements for a Standard Certificate for Family and Consumer Sciences Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Family and Consumer Sciences Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

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

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

http://regulations.delaware.gov/register/august2017/proposed/21_DE_Reg_115RFA_08-01-17.pdf

1554 Family and Consumer Sciences Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Family and Consumer Sciences Teacher. This certification is required for grades 9 to 12, and in grades 6 to 8 in a Middle Level school.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Family and Consumer Sciences Teacher to an educator who has met the following:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~;
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; and
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
- 4.1.1 achieved on the *Praxis* Subject Assessment – Family and Consumer Sciences (ETS Test # 5122) a Passing Score of 153.

PROFESSIONAL STANDARDS BOARD

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

14 **DE Admin. Code** 1555

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1555 Marketing Education Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1555 Marketing Education Teacher. The regulation concerns the requirements for a Standard Certificate for Marketing Education Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Marketing Education Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.
3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

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

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

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

http://regulations.delaware.gov/register/august2017/proposed/21_DE_Reg_117RFA_08-01-17.pdf

1555 Marketing Education Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Marketing Education Teacher. This certification is required for grades 9 to 12, and in grades 6 to 8 in a Middle Level school.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"**Passing Score**" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Marketing Education Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and~~,
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

4.1 An educator shall have also met the following:

4.1.1 achieved on the *Praxis* Subject Assessment - Marketing Education (ETS Test # 5561) a Passing Score of 166.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1557

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1557 Technology Education Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 DE Admin. Code 1557 Technology Education Teacher. The regulation concerns the requirements for a Standard Certificate for Technology Education Teacher. The proposed changes include adding a definition of the term "passing score" to subsection 2.2; adding subsection 3.1.3; and adding Section 4.0 to specify the required examination of content knowledge and passing score for a Standard Certificate for Technology Education Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic

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

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

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

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 119RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20119RFA%2008-01-17.pdf)

1557 Technology Education Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Technology Education Teacher. This certification is required for grades 9 to 12, and in grades 6 to 8 in a Middle Level school.
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Passing Score" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

"Technology Education" means a study of technology, which provides an opportunity for students to learn about the processes and knowledge related to technology that are needed to solve problems and extend human capabilities. This study includes the application of the Design Process, the Systems Model, technological resources, engineering design and Design Briefs. Technology Education is not a curricular area defined by the study and application of computer-based skills e.g., keyboarding, word processing, spreadsheets, data bases and/or multi-media presentations.

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Technology Education Teacher to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and,~~
 - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; ~~and~~
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall have also met the following:
 - 4.1.1 achieved on the *Praxis* Subject Assessment - Technology Education (ETS Test # 5051) a Passing Score of 159.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1562

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 **Del.C.** Section 122(d)

1562 Teacher of English Learners

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1562 Teacher of English Learners. The regulation concerns the requirements for a Standard Certificate for Teacher of English Learners. The proposed changes include striking the non-regulatory note; adding subsection 4.1.3 to specify the required examination of content knowledge and passing score for a Standard Certificate for Teacher of English Learners; and striking Section 6.0 as the effective date referenced therein (January 1, 2017) applied to amendments that were published in 2016.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 31, 2017 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help to improve the quality of the Delaware educator workforce and to improve student performance.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not 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 does not change authority and flexibility of decision makers at the local board and school level.

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

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

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

and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

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

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

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 121RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21_DE_Reg_121RFA_08-01-17.pdf)

1562 Teacher of English Learners

~~Non-regulatory note: Passage on an examination of content knowledge may also be required to obtain this certification. Pursuant to 14 Del.C. §1220 and 14 DE Admin. Code 1505, an examination of content knowledge is required when applicable and available. An examination of content knowledge is applicable and available when it is required by the Professional Standards Board, in consultation with the Department, and with the approval of the State Board of Education. See the Department of Education's website for additional information.~~

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del.C. §1220(a), for Teacher of English Learners. This certification is required for grades K to 12.
- 1.2 Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

- 2.1 The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following word and term, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
"Passing score" means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate as Teacher of English Learners to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Limited Standard, Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and
 - 3.1.2 Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto; and
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall also have satisfied each of the following requirements:
 - 4.1.1 Demonstrated oral and written proficiency in English by either:
 - 4.1.1.1 Completion of a bachelor's, master's, or doctoral degree from a regionally accredited college or university that is located in the United States or in a permanently inhabited territory of the United States; or

- 4.1.1.2 Achieving a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English; and
- 4.1.2 Completion of either:
 - 4.1.2.1 A bachelor's, master's, or doctoral degree from a regionally accredited college or university with a major or its equivalent in Teaching English Learners from an educator preparation program approved or recognized by National Council for the Accreditation of Teacher Education (NCATE), the Council for Accreditation of Educator Preparation (CAEP), or a state where a state approval body employed the appropriate standards; or
 - 4.1.2.2 A minimum of fifteen (15) credits or the equivalent thereof in professional development as approved by the Department in the following content areas:
 - 4.1.2.2.1 Methods of Teaching English as a Second Language (3 credits);
 - 4.1.2.2.2 Second Language Acquisition (3 credits);
 - 4.1.2.2.3 Teaching Literacy for English Learners (3 credits);
 - 4.1.2.2.4 Second Language Testing (3 credits); and
 - 4.1.2.2.5 Structure of the English Language (3 credits).
- 4.1.3 Achieved on the *Praxis* Subject Assessment - English to Speakers of Other Languages (ETS Test # 5362) a passing score of 149.

5.0 Past Certification Recognized

The Department shall recognize a Standard Certificate English to Speakers of Other Languages (ESOL) Teacher issued before January 1, 2017. A teacher holding such a Standard Certificate issued by the Department before January 1, 2017 shall be considered certified as a Teacher of English Learners.

6.0 Effective Date

This regulation shall be effective on January 1, 2017.

DEPARTMENT OF FINANCE

OFFICE OF UNCLAIMED PROPERTY, STATE ESCHEATOR

Statutory Authority: 12 Delaware Code, Section 1132 (12 **Del.C.** §1132)

PUBLIC NOTICE

104 Department of Finance Abandoned or Unclaimed Property Reporting and Examination Manual

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 12 **Del.C.** §1132, the Delaware Department of Finance's Office of Unclaimed Property, State Escheator, proposes to revise and replace its regulations related to its Abandoned or Unclaimed Property Law.

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

David M. Gregor
State Escheator
Department of Finance
820 N. French St.
Wilmington, DE 19801

Notice may also be directed via electronic mail to david.gregor@state.de.us. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Department of Finance no

later than **4:00 p.m. EST, Thursday, August 31, 2017.**

The action concerning determination of whether to adopt the proposed regulations will be based upon the results of Department 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 the Delaware Department of Finance's Office of Unclaimed Property, State Escheator, in consultation with the Secretary of State, proposes to promulgate rules and regulations to establish instructions and guidelines for the administration of the State of Delaware's Abandoned or Unclaimed Property program. The regulations provide a framework to ensure that Holders of unclaimed property have a basic understanding of the processes available to them as well as the State's expectations. The regulations contained herein are to be implemented consistently, so as to ensure fair and uniform treatment of Holders of unclaimed property.

Statutory Authority

Delaware Code, Title 12 §1132

Background

On January 29, 2015, the Governor of Delaware signed into law Senate Bill 11 of the 148th General Assembly, which directed the Delaware Secretary of Finance to complete the development of a detailed manual containing procedural guidelines for the conduct of Delaware unclaimed property examinations.

On February 2, 2017, the Governor of Delaware signed into law Senate Bill 13 of the 149th General Assembly, which revised and updated the Delaware Abandoned or Unclaimed Property Law. Section 1176(b) directed the Secretary of Finance, in consultation with the Secretary of State, to promulgate regulations to create consistency in any examination or voluntary disclosure.

On June 29, 2017, the Governor signed into law Senate Substitute 1 for Senate Bill 79, which further updated the Delaware Abandoned or Unclaimed Property Law and clarified portions of Senate Bill 13.

On April 1, 2017, the Department of Finance published Proposed Regulations related to the State of Delaware's Abandoned or Unclaimed Property Law. After receiving comments that led to substantive changes, the Department of Finance drafted the following Proposed 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:**

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 123RFA 08-01-17.pdf>

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

[104 Department of Finance Abandoned or Unclaimed Property Reporting and Examination Manual](#)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

PUBLIC NOTICE

Dental Fee Schedule

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing

to amend Title XIX Medicaid State Plan regarding Dental Rates, specifically, *to reduce dental service rates*.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by August 31, 2017. Please identify in the subject line: Dental Fee Schedule.

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.

Statutory Authority

- 42 CFR 447.205, *Public notice of changes in Statewide methods and standards for setting payment rates*
- 42 CFR 440.100, *Dental Services*
- 42 CFR §447.201, *State plan requirements*

Background

According to Health Policy Institute (HPI), Delaware Medicaid ranks the highest with regard to payment of dental services to the provider community at 81.1% of commercial insurance charges. Delaware reimburses dental providers a full 10.2% higher than the second highest ranking Medicaid agency, West Virginia, who has reimbursement rates at 69.9%. New Jersey and Connecticut Medicaid reimburse providers at 68.8% and 66.8% respectively.

In an effort to minimize Delaware's budget deficit, the Governor included a 14% reduction in dental rates, expected to take effect July 1, 2017, in his proposed budget. This reduction aligns Delaware Medicaid more closely with other state Medicaid agencies. Additionally, since the reduction in this rate still places Delaware among the three highest paying state Medicaid agencies, with regarding to dental reimbursements, DMMA does not anticipate that the 14% rate reduction in dental reimbursement would not adversely affect access to dental care.

DMMA's current network includes dentists located in Delaware and the surrounding states. This network, highly concentrated in New Castle County, includes General Dentistry, Endodontics, Pediatric Dentistry, Oral and Maxillofacial Surgery, and Orthodontics and Dentofacial Orthopedics. DMMA will monitor the network for effects as a result of the rate reduction before and after the reduction is in place, and make adjustments if access to care is likely to become impacted.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to reduce dental service rates.

Summary of Proposed Changes

Effective for services provided on and after July 1, 2017 Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) proposes to amend Title XIX Medicaid State Plan to reduce dental service rates.

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 447.205 and the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives public notice and provides an open comment period for thirty (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 August 31, 2017.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) relating 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 Update

Also, upon CMS approval, the applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals 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 manual updates. DMAP provider manuals and official notices are available on the Delaware Medical Assistance Provider Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

Delaware pays the highest rate for Medicaid Pediatric Dental services in the country according to a Health Policy Institute Research Brief from 2013 (<http://www.aapd.org/assets/1/7/PolicyCenter-TenYearAnalysisOct2014.pdf>). A reduction of 14% will bring the dental rates more in compliance with other State Medicaid Dental Rates

The following fiscal savings are projected:

	Federal Fiscal Year 2018	Federal Fiscal Year 2019
General (State) funds	\$2,600,649	\$2,639,659
Federal funds	\$4,147,273	\$4,209,482

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 124RFA 08-01-17.pdf>

DMMA PROPOSED REGULATION

**Attachment 4.19-B
Page 19**

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

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

Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services

Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services are reimbursed as follows. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both government and private providers.

Dental Services - Effective for dates of service on or after ~~April~~ July 1, 2012 ~~2012~~ 2017, Delaware pays for dental services at the lower of:

- the provider's billed amount that represents their usual and customary charge; or
- the Delaware Medicaid maximum allowed amount per unit per covered dental procedure code according to a published fee schedule.

The Delaware Medicaid dental fee schedule will be developed based on the National Dental Advisory Service (NDAS) annual Comprehensive Fee Report. For each covered dental procedure code, Delaware's maximum allowable amount will be computed as a percentage of the NDAS published national fee. Delaware will rebase its dental fee schedule rates each time the NDAS publishes a new survey.

~~General Dental Services shall be paid at 84% of the NDAS 70th percentile amounts~~

~~Specialty Dental Services shall be paid at 80% of the NDAS 80th percentile amounts.~~
Preventive General Dental Services shall be paid at 50.00% of the NDAS 70th percentile amounts
Restorative General Dental Services shall be paid at 97.00% of the NDAS 70th percentile amounts
Adjunctive General Dental Services shall be paid at 72.24% of the NDAS 70th percentile amounts
Specialty Dental Services shall be paid at 68.80% of the NDAS 80th percentile amounts

Access-Based Fees for certain specialty procedure codes may be established to account for deficiencies in rates that are based on the NDAS fee schedule percentages above relating to the adequacy of access to health care services for Medicaid clients. ~~These rates will be published on the DMAP website and a state plan amendment will be submitted any time these rates change indicating the new effective date.~~

The maximum allowed amounts for procedure codes not included in the NDAS fee schedule or for new procedure codes established after the annual NDAS fee schedule is published will be based on the existing rates for similar existing services. If there are no similar services the maximum allowed amount is set at 80% of the estimated average charge until a rate can be established based on the NDAS fee schedule.

The dental fee schedule is available on the Delaware Medicaid Assistance Program (DMAP) Medical Assistance Portal website at: ~~<http://www.dmap.state.de.us/downloads.html>~~ <https://medicaid.dhss.delaware.gov>

TN No. SPA #17-020	Approval Date _____
Supersedes	
TN No. SPA #12-005	Effective Date July 1, 2017

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 30000

PUBLIC NOTICE

Prescription Assistance

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Social Services Manual (DSSM) regarding Prescription Assistance, specifically, to *eliminate the Delaware Prescription Drug Payment Assistance Program*.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by August 31, 2017. Please identify in the subject line: Prescription Assistance.

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 Delaware Social Services Manual (DSSM)

regarding Prescription Assistance, specifically, to *eliminate the Delaware Prescription Drug Payment Assistance Program*.

Statutory Authority

29 Del.C. §6502 Annual estimates of expenditures

Background

The Delaware Prescription Assistance Program (DPAP) was established by the Delaware General Assembly on January 14, 2000, when Senate Bill 6 was passed during the 1999 Legislative Session. DPAP is funded by the Delaware Health Fund and provides prescription and over-the-counter drug coverage to qualified Delaware citizens. In 2007 the Bill was amended to allow the program to pay for the members' Medicare Part D premium. By paying for the premium, clients had access to all of the Medicare drug benefits.

Individuals with Medicare (the majority of DPAP clients) would select a Part D Prescription Drug Plan and apply for Extra Help (Low-Income Subsidy) through the Social Security Administration. The Low-Income Subsidy, or LIS, which is paid by the Centers for Medicare & Medicaid Services, would provide financial assistance (at levels of 100%, 75%, 50%, and 25%) for monthly Part D premiums, annual deductibles, and prescription coverage through the Part D coverage gap to low-income individuals. Medicare Part D would be primary to the Delaware Prescription Assistance Program.

The most recent internal Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) report indicates that all but two members have prescription coverage through Medicare Part D. The program is being eliminated due to a reduction in usage, along with an overall reduction in expenditures by DMMA.

Summary of Proposal*Purpose*

The purpose of this proposed regulation is to eliminate the Delaware Prescription Drug Payment Assistance Program.

Summary of Proposed Changes

Effective for services provided on and after July 1, 2017 Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) proposes to amend the Delaware Social Services Manual (DSSM) to eliminate the Delaware Prescription Drug Payment Assistance Program.

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 447.205 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives public notice and provides an open comment period for thirty (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 August 31, 2017.

Provider Manuals Update

Also, there may be additional provider manuals that will require small updates as a result of these changes. Also, the applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals 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 manual updates. DMAP provider manuals and official notices are available on the Delaware Medical Assistance Provider Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

The proposed regulation imposes no increase in costs on the General Fund.

***Please Note:**

(1) **The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by**

29 Del.C. Ch. 104, is available at:

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 127RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20127RFA%2008-01-17.pdf)

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

Prescription Assistance

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

Statutory Authority: 7 Delaware Code, Chapter 60 (7 Del.C. Ch. 60)
7 DE Admin. Code 1301

REGISTER NOTICE SAN # 2015-08

1301 Regulations Governing Solid Waste

1. TITLE OF THE REGULATIONS:

Delaware's Regulations Governing Solid Waste (DRGSW)

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to adopt federal requirements regarding the management of Coal Combustion Residuals (CCR), to modify outdated or obsolete solid waste regulations, to add clarifying language for Industrial Landfills, and to correct typographical errors.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Delaware Code, Chapter 60

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed changes to DRGSW will be open August 1, 2017. Individuals may submit written comments regarding the proposed changes via email to Alison.Kiliszek@state.de.us or via USPS to Alison Kiliszek, DNREC-SHWMS, 89 Kings Highway, Dover, DE 19901. A public hearing on the proposed amendments to DRGSW will be held on Wednesday, August 30, 2017 beginning at 6:00 p.m. in the DNREC Auditorium, located at the Richardson and Robbins Building, 89 Kings Highway, Dover, DE.

7. PREPARED BY:

Alison Kiliszek Alison.Kiliszek@state.de.us (302) 739-9403

***Please Note:**

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 129RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20129RFA%2008-01-17.pdf)

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

regulation is available at:

1301 Regulations Governing Solid Waste

OFFICE OF THE SECRETARY

Statutory Authority: 7 Delaware Code, Section 7507A(b) (7 **Del.C.** §7507A(b))

REGISTER NOTICE

SAN#: 2017- 01

109 Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection

1. TITLE OF THE REGULATIONS:

Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

As a result of amendments to the Land Protection Act, effective August 3, 2016, the Guidelines to Evaluate Land Being Considered for Permanent Protection, last updated 12/7/16, currently being used by staff to support the Open Space Program must go through notice and public hearing pursuant to 29 **Del.C.** Ch. 101. The Regulations were published in the March 1, 2017 Delaware *Register of Regulations* and a public hearing was held on March 23, 2017. As a result of comments received for the public hearing, there has been some clarifying language inserted in the Regulations and associated Guidelines.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

N/a

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** Ch. 75

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

N/a

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed amendments to the Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection will be re-opened August 1, 2017 for a 30-day public comment period ending close of business August 31, 2017. Individuals may submit written comments regarding the revisions to the proposed amendments via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042.

7. PREPARED BY:

Elena Stewart elena.stewart@state.de.us 302-739-9935

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 130RFA 08-01-17.pdf>

109 Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection

1.0 Purpose of the Regulations

The purpose of the Regulations contained herein is to detail the Guidelines to Evaluate Land Being Considered for Permanent Protection that the State agencies, as defined in 7 **Del.C.** §7504(10), shall use to evaluate land(s) that have been offered for permanent protection to ensure that the land(s) should be permanently protected and that permanently protecting the land furthers the purposes of the Land Protection Act, 7 **Del.C.** Ch. 75.

2.0 Definitions

As used in these Regulations, the following terms shall have the meanings set forth here:

"Act" refers to the Land Protection Act (7 Del.C. Ch. 75).

"Buffer" refers to a vegetated area near a stream or other water feature which helps improve water quality by serving as protection from impacts of adjacent land use.

"Cultural/ Historic Resources" means those structures, improvements, sites or lands that are listed as significant in or eligible for listing in the National Register of Historic Places, either as individual listings or as contribution elements in listed or eligible historic districts (30 Del.C. §1803).

"Early Successional Habitat or ESH" refers to mixed stand of grasses and herbaceous flowering plants, old field habitat, pastureland, and shrubland.

"ERES Waters" refers to waterways or waterbodies having the designation requiring the highest level of protection for waters that are of "Exceptional Recreation or Ecological Significance" (ERES). These waterways are important habitats for a multitude of wildlife and are also popular recreation destinations.

"Fisheries Access Area" refers to an area where fish could be caught, such as a shoreline or pier or somewhere a boat could get access to the water for the purpose of fishing.

"Fisheries Resource Protection Areas" means critical nursery or spawning habitat for anadromous fish, bivalves, and shellfish.

"Floodway" means an area of land that impacts or is impacted by flooding.

"Habitat of Conservation Concern (HCC)" refers to habitats that are rare, have special significance in Delaware, are particularly sensitive to disturbance, and/or have a high diversity of rare plants.

"Management Plan" refers to a plan for the stewardship of land that would support the purposes of the Act.

"Mean High Water (MHW)" refers to the average of all the high water heights observed over a period of several years.

"Nutrient Management Critical Priority Areas" refers to areas established to help the Delaware Nutrient Management Commission decide where to focus their efforts with respect to their Nutrient Management Planning and Nutrient Relocation programs. The Delaware Nutrient Management Act (3 Del.C. Ch. 22) was enacted in June 1999 as part of an effort to address water quality concerns in Delaware.

"One-Hundred-Year Floodplain" refers to the area of inundation when the expected 100-year flood flow rate is mapped. A one-hundred-year flood is a flood event that has a 1% probability of occurring in any given year.

"Open Space" or **"open space land"** means any land the permanent protection of which will further any of the purposes listed in the Act.

"Open Space Program" means the conservation program created to carry out the purposes of the Act.

"Permanent protection", "permanently protected", "permanently protect", or "preservation" means the acquisition by purchase, gift, grant, bequest, devise, or otherwise of the fee or any lesser interest, development right, easement, covenant, or other contractual right in land in perpetuity necessary to achieve the purposes of the Act.

"Proximity to Population Base" refers to the Strategies for State Policies and Spending document, which is developed by the Office of State Planning Coordination and adopted by Executive Order. Levels 1-3 are the areas wherein State policies will support growth and economic development activities, with Levels 1 and 2 being the primary focus.

"Regional Priorities" means priorities that an organization has developed that could support the purposes of the Act.

"Restoration" means renewing degraded, damaged, or destroyed ecosystems and habitats in the environment by active intervention and action.

PROPOSED REGULATIONS

"S1 Species" refers to species classified as extremely rare with typically 5 or fewer occurrences statewide.

"S2 Species" refers to species classified as very rare with typically 6 to 20 occurrences statewide.

"S3 Species" refers to species classified as rare to uncommon with approximately 21 to 100 occurrences statewide.

"Sea Level Rise (SLR) Adaptation" means adaptations that allow for landward migration of a resource or loss of land due to sea level rise.

"Species of Greatest Conservation Need (SGCN)" refers to species identified according to a set of criteria provided in the Delaware Wildlife Action Plan. SGCN are species indicative of the overall diversity and health of the State's wildlife resources. Some may be rare or declining, may be vital components of certain habitats, and/or may have a significant portion of their population in Delaware.

"Stand-alone" means land that is not adjacent to properties that are already protected, or part of a greater management plan for an area that is already protected.

"State agency" means the Department of Natural Resources and Environmental Control (Division of Parks and Recreation or the Division of Fish and Wildlife), Department of State (Division of Historical and Cultural Affairs), or the Department of Agriculture (Delaware Forest Service) (7 Del.C. §7504(10)).

"State Registry of Natural Areas" means a list identifying all State-registered Natural Areas accompanied by a map on file at the Office of Nature Preserves.

"Statewide Comprehensive Outdoor Recreation Plan (SCORP)" refers to a planning and policy document that identifies needs in outdoor recreation throughout the State of Delaware.

"Utilities" means aboveground public utilities that serve more than one entity, such as electric transmission or distribution lines, fiber optic/cable lines, cell tower and/or solar panel array.

"Viewshed" means an area of particular scenic or historic value that is deemed worthy of preservation against development or other change.

"Watershed Impairment" refers to waters that do not meet the standards of Section 303(d) of the Clean Water Act (CWA). Section 305(b) of the CWA requires reporting of the conditions of the waters of the State. If monitoring reveals that a stream has high pollutant levels that prevent it from achieving all of its designated uses, it is considered impaired and will be placed on the 303(d) list. This information is organized by watershed, or the land area draining to a particular water body.

3.0 Open Space Criteria

To be eligible for permanent protection, an area of land must include or exhibit, in whole or in part, one or more of the criteria set forth in 7 Del.C. §7507A(a).

4.0 Open Space Evaluation

- 4.1 State agencies shall use the Guidelines to Evaluate Land Being Considered for Permanent Protection, last updated 12/7/16, to evaluate land(s) which a landowner has offered for permanent protection to ensure that permanently protecting the land furthers the purposes of the Act. The Guidelines can be found here:

[Guidelines to Evaluate Land Being Considered for Permanent Protection](http://regulations.delaware.gov/register/august2017/proposed/Guidelines%20to%20Evaluate%20Land.pdf)

[http://regulations.delaware.gov/register/august2017/proposed/Guidelines to Evaluate Land.pdf](http://regulations.delaware.gov/register/august2017/proposed/Guidelines%20to%20Evaluate%20Land.pdf)

- 4.2 A representative of the Open Space Council or State agency may access the land being considered for permanent protection to perform onsite verification to gather information about the land only after the landowner executes the written permission form attached to the aforementioned guidelines granting the representative permission to enter upon the land.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES**DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING**

Statutory Authority: 29 Delaware Code, Section 9003(7) and 31 Delaware Code, Section 343
(29 Del.C. §9003(7); 31 Del.C. §343)
9 DE Admin. Code 101

PUBLIC NOTICE**101 DELACARE: Regulations for Early Care and Education and School-Age Centers****SUMMARY**

The Office of Child Care Licensing (OCCL) proposes to amend Sections 4.0 and 60.1 of the DELACARE: Regulations for Early Care and Education and School-Age Centers to require each center to have a staff member on site at all times who is permitted to administer medications. Currently, Section 60.1 does not require an individual with a valid Administration of Medication certificate to be on site during all hours of operation. By amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principals of the Americans with Disabilities Act.

COMMENTS

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on August 31, 2017.

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 133RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20133RFA%2008-01-17.pdf)

**101 DELACARE: Regulations for Early Care and Education and School-Age Centers
(Break in Continuity of Sections)****4.0 Definition of Terms**

The following words and terms when used in these regulations have the following meaning unless the context clearly indicates otherwise:

(Break in Continuity Within Section)

"Administration of Medication certificate" means a document issued by OCCL that gives permission for a staff member to administer medication to children in care.

(Break in Continuity of Sections)**53.0 Transportation****(Break in Continuity Within Section)**

53.3 A licensee shall ensure that a vehicle used to transport children shall:

(Break in Continuity Within Section)

53.3.2 Have and use air-conditioning to reduce the interior temperature of the vehicle when it exceeds 85° F (school buses are exempt from ~~Subdivision~~ subsection 53.3.2);

(Break in Continuity of Sections)

60.0 Administration of Medication

- 60.1 A licensee shall ensure ~~that~~ a trained staff member who has successfully received a valid Administration of Medication certificate from OCCL is present at the center at all times. ~~only~~ Only trained staff members who are at least 18 years of age and authorized in accordance with State law, or health care providers, nurses, or other qualified medical health personnel are permitted to administer medication to children in a center. Written permission from the child's parent/guardian for each medication to be administered is required. Unused medication shall be returned to the parent/guardian when no longer needed by the child.

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

101 DELACARE: Regulations for Early Care and Education and School-Age Centers

**DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING**

Statutory Authority: 29 Delaware Code, Section 9003(7) and 31 Delaware Code, Sections 341-345

(29 Del.C. §9003(7); 31 Del.C. §§341-345)
9 DE Admin. Code 103

PUBLIC NOTICE

103 Regulations for Family and Large Family Child Care Homes

Summary

The Office of Child Care Licensing (OCCL) proposes to amend Sections 4.0, 6.1.14.11, 14.4.13, and 33.1 of the DELACARE: Regulations for Family and Large Family Child Care Homes to require each home to have a staff member on site at all times who is permitted to administer medications. Currently, child care regulations require applicants or providers to have administration of medication certification only if they choose to give medications in their licensed child care home. By amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act.

COMMENTS

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on August 31, 2017.

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

[http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 134RFA 08-01-17.pdf](http://regulations.delaware.gov/register/august2017/proposed/21%20DE%20Reg%20134RFA%2008-01-17.pdf)

**103 Regulations for Family and Large Family Child Care Homes
(Break in Continuity of Sections)**

4.0 Definition of Terms

The following words and terms, when used in these regulations, have the following meaning unless the context clearly indicates otherwise.

"Administration of Medication certificate" means a document issued by OCCL that gives permission for a staff member to administer medication to children in care.

(Break in Continuity of Sections)

6.0 Application Process

- 6.1 An applicant shall complete the following steps and submit the following information to OCCL when seeking a license:

(Break in Continuity Within Section)

- 6.1.14 Complete and submit documentation of pre-service training in the following topics, if the applicant will work with children:

(Break in Continuity Within Section)

- 6.1.14.11 Administration of medication, ~~if applicable~~; and

(Break in Continuity of Sections)

14.0 Use of a Substitute

(Break in Continuity Within Section)

- 14.4 A licensee shall document on the form provided by OCCL that substitutes used for non-emergency situations receive training in the following topics before working with children:

(Break in Continuity Within Section)

- 14.4.13 Administration of medication, ~~if applicable~~, and

(Break in Continuity of Sections)

33.0 Administration of Medication

- 33.1 A licensee shall ensure ~~only a trained staff member who has successfully received a valid Administration of Medication certificate from OCCL is present at the home at all times.~~ Only trained staff members, who are at least 18 years old and approved as stated in State law, are permitted to give medication to children. Health care providers, nurses, or other qualified medical health personnel may also give medication to children. Written parent/guardian permission for each needed medication is required. A licensee shall return medication to the parent/guardian when it is no longer needed.

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

103 Regulations for Family and Large Family Child Care Homes

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
3800 BOARD OF DIETETICS/NUTRITION**

Statutory Authority: 24 Delaware Code, Section 3805(1) (24 Del.C. §3805(1))
24 DE Admin. Code 3800

PUBLIC NOTICE

3800 State Board of Dietetics/Nutrition

The Delaware Board of Dietetics/Nutrition, pursuant to 24 Del.C. §3805(1), proposes to revise its regulations. The proposed amendments to the regulations seek to clarify and provide more detailed information regarding the

use of telehealth for the provision of dietetics and nutrition services.

The Board will hold a public hearing on the proposed rule change on November 10, 2017 at 1:30 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to LaTonya Brown, Administrator of the Delaware Board of Dietetics/Nutrition, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until November 27, 2017.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Delaware Board of Dietetics/Nutrition pursuant to 24 **Del.C.** §3805(1), proposed to revise its regulations. The proposed amendments to the regulations seek to further clarify the scope of practice of a Dietitian/Nutritionist by defining various terms set forth in the Board's enabling statute.

Following publication in the Delaware *Register of Regulations* on September 1, 2016 a public hearing was held on November 4, 2016. Written comment periods were held open for thirty days, and an additional fifteen days following the public hearing. At the hearing, the Board accepted as evidence and marked as Board Exhibit 1 the affidavit of publication of the public hearing notice in the *News Journal*, and Board Exhibit 2 the affidavit of publication of the public hearing notice in the *Delaware State News*. In addition to these exhibits, the Board received written public comment from both local and national public interest groups.

On August 12, 2016, Lori Ritscher Noyes and Michael Kurliand of Alfred I. DuPont Hospital for Children (AI DuPont) submitted written comments generally supporting the concept of the Board's proposed telehealth regulations but requesting that the Board change proposed regulation 9.2.4.4 in order to allow licensees to complete initial evaluations via telehealth as opposed to in person. They noted that allowing initial evaluations through telehealth will expand access to dietetic and nutrition services in underserved areas of Delaware. Finally, they requested that the Board not limit the provision of dietetics and nutrition through telehealth to patients in Delaware to only Delaware licensees.

On August 26, 2016, Allison Wills, Director of Health Policy for The Erisa Industry Committee submitted written public comments also supporting the concept of telehealth in the practice of dietetics and nutrition but imploring the Board to eliminate the requirement that initial evaluations be excluded from telehealth practice. In addition, she also requested that the Board not limit interstate practice.

On August 16, 2016, Tara Isa Koslov, Ginger Zhe Jin, and Deborah Feinstein of the Federal Trade Commission submitted written public comment also arguing that proposed Regulation 9.2.4.4, stating that all initial evaluations shall be performed face to face and not through telehealth should be changed as it may "unnecessarily discourage the use of telehealth for assessment and diagnosis." They noted that other proposed regulations concerning the standard of care would act to appropriately protect the public, thus allowing each practitioner to determine when initial evaluations should be performed in person.

On November 16, 2016 Donna Trader of the Delaware Association of Nutritionists and Dietitians submitted written public comment stating that she supports Regulation 9.2.4.4, which requires all initial evaluations to be performed face to face.

In addition, at the time of the hearing, Maggie Norris Bent, the Director of External Affairs of Westside Family Healthcare testified that she is concerned that the proposed regulations will limit patient access to care at their clinics. Ms. Bent's concern related to the fact that providers must have a Delaware license to treat patients in Delaware. Lore Noyes, Director of Clinical Nutrition at AI DuPont, also testified in conjunction with Board Exhibit three, noting that proposed regulation 9.2.4.4, eliminating the ability of licensed professionals to conduct initial evaluations through telehealth, is unduly restrictive.

SUMMARY OF THE FINDINGS OF FACT

Pursuant to written public comments submitted to the Board along with discussion held during two public Board meetings, the Board found the following:

1. In regard to the comments from Ms. Bent and AI DuPont in regard to location of the patient, the Board noted that the statute mandates that anyone who provides telehealth nutrition services to a patient located in Delaware must be a Delaware licensee. See 24 **Del.C.** §3802(13)
2. In regard to AI DuPont's comment that an exception to be added to allow Delaware licensees to treat patients temporarily out of the state, the Board noted that the regulations do not preclude such

conduct, and the Board only has jurisdiction over treatment occurring in Delaware. The regulations simply state that licensees must comply with other jurisdictions applicable laws and regulations.

3. In regard to Al DuPont, ERIC, DAND and the FTC's comments in regard to proposed regulation 9.4.2.4 regarding initial evaluations, the Board found the comments regarding the potentially burdensome nature of the requirement compelling. The Board expressed concern that initial evaluations require, if nothing else, that the provider "put eyes on the patient"; however, the Board found that such face to face evaluation could be performed via electronic communication.

DECISION CONCERNING THE REGULATIONS

The Board finds that the regulations shall be republished with a change to proposed Regulation 9.2.4.4 in order to allow for initial evaluations to be performed through face to face telehealth communication. The exact text of the regulations, as amended, are attached to this Order as Exhibit A.

IT IS SO ORDERED this 12th day of May, 2017 by the Delaware Board of Dietetics/Nutrition.

Jennifer Linton, L.D.N., Chair
Maryann Eastep L.D.N., Secretary
Natalie McKenney, L.D.N. (absent)

Jackie Griffith, Public Member, Vice Chair
Timothy Bane, Public Member (absent)

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 135RFA 08-01-17.pdf>

3800 State Board of Dietetics/Nutrition (Break in Continuity of Sections)

9.0 Telehealth

- 9.1 Telehealth is the use of electronic communications to provide and deliver a host of health-related information and health-care services, including dietetics and nutrition-related information and services, over large and small distances. Telehealth encompasses a variety of health care and health promotion activities, including education, advice, reminders, interventions, and monitoring of interventions.
- 9.2 The licensed dietitian/nutritionist (referred to as "licensee" for the purpose of this Board Rule) who provides treatment through telehealth shall meet the following requirements:
- 9.2.1 Location of patient during treatment through telehealth
- 9.2.1.1 The licensee shall have an active Delaware license in good standing to practice telehealth in the state of Delaware.
- 9.2.1.2 Licensees understand that this rule does not provide licensees with authority to practice telehealth to clients located in any jurisdiction other than Delaware, and licensees bear responsibility for complying with laws, rules, and/or policies for the practice of telehealth set forth by other jurisdictional boards dietetics and nutrition.
- 9.2.1.3 Licensees practicing telehealth shall comply with all of these rules of professional conduct and with requirements incurred in state and federal statutes relevant to the practice of dietetics and nutrition.
- 9.2.2 Informed consent
- 9.2.2.1 Before services are provided through telehealth, the licensee shall obtain written, informed consent from the patient, or other appropriate person with authority to make health care treatment decisions for the patient. At minimum, the informed consent shall inform the patient and document acknowledgement of the risk and limitations of:
- 9.2.2.1.1 The use of electronic communications in the provision of care;
- 9.2.2.1.2 The potential breach of confidentiality, or inadvertent access, of protected health information using electronic communication in the provision of care; and

PROPOSED REGULATIONS

- 9.2.2.1.3 The potential disruption of electronic communication in the use of telehealth.
- 9.2.3 Confidentiality: The licensee shall ensure that the electronic communication is secure to maintain confidentiality of the patient's medical information as required by the Health Insurance Portability and Accountability Act (HIPAA) and other applicable Federal and State laws. Confidentiality shall be maintained through appropriate processes, practices and technology, including disposal of electronic equipment and data.
- 9.2.4 Competence and scope of practice
- 9.2.4.1 The licensee shall be responsible for determining and documenting that telehealth is an appropriate level of care for the patient.
- 9.2.4.2 The licensee shall comply with the Board's law and rules and regulations and all current standards of care requirements applicable to onsite care.
- 9.2.4.3 The licensee shall limit the practice of telehealth to the area of competence in which proficiency has been gained through education, training and experience.
- 9.2.4.4 All initial evaluations shall be performed face to face and not through audio-only communication.
- 9.2.4.5 The licensee shall document in the file or record which services were provided by telehealth.

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

3800 State Board of Dietetics/Nutrition

DIVISION OF PROFESSIONAL REGULATION
5200 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
 Statutory Authority: 24 Delaware Code, Section 5206(1) (24 Del.C. §5206(1))
 24 DE Admin. Code 5200

PUBLIC NOTICE

5200 Board of Examiners of Nursing Home Administrators

Pursuant to 24 Del.C. §5206(1), the Delaware Board of Nursing Home Administrators has proposed revisions to its rules and regulations. The rules pertaining to crimes substantially related to the practice of nursing home administration are amended as well as provisions on examination.

A public hearing will be held on September 12, 2017 at 1 p.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Nursing Home Administrators, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 Del.C. §10118(a) no later than September 28, 2017.

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

<http://regulations.delaware.gov/register/august2017/proposed/21 DE Reg 138RFA 08-01-17.pdf>

5200 Board of Examiners of Nursing Home Administrators
(Break in Continuity of Sections)

2.0 Application for Licensure by Examination
(Break in Continuity Within Section)

- 2.6 Applicants approved to take the examination will be granted licensure once the Board receives confirmation that the applicant has achieved a passing score of 75% or more on the National Association of Boards (“NAB”) examination.
- 2.6.1 ~~Applicants who do not pass the first examination may retake the examination within the following three months after the date of the exam without further Board approval. Applicants shall have no longer than two years from the date of Board approval to pass the exam. Applicants shall be limited to four attempts within that two year period. Applicants who do not pass the exam in four attempts are no longer eligible to take the exam.~~
- 2.6.2 ~~Applicants who do not pass the second examination may retake the examination within the following six months after the date of the exam without further Board approval.~~
- 2.6.3 ~~Applicants who do not pass the third examination must obtain Board approval each time they wish to retake the examination. The Board will approve these applicants to retake the examination only after they complete 40 additional hours working under the direct supervision of a Delaware-licensed nursing home administrator in a skilled nursing facility previously approved by the Board.~~

(Break in Continuity of Sections)

9.0 Crimes substantially related to the practice of nursing home administration:

- 9.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of nursing home administration in the State of Delaware without regard to the place of conviction:

(Break in Continuity Within Section)

- 9.1.11 Assault by abuse or neglect. 11 ~~Del.C. §645~~ 1103B.

(Break in Continuity Within Section)

- ~~9.1.29 Indecent exposure in the second degree. 11 ~~Del.C. §764.~~~~

- 9.1.3029 Indecent exposure in the first degree. 11 ~~Del.C. §765.~~

- 9.1.3130 Incest. 11 ~~Del.C. §766.~~

- 9.1.3231 Unlawful sexual contact in the third degree. 11 ~~Del.C. §767.~~

- 9.1.3332 Unlawful sexual contact in the second degree. 11 ~~Del.C. §768.~~

- 9.1.3433 Unlawful sexual contact in the first degree. 11 ~~Del.C. §769.~~

- 9.1.3534 Rape in the fourth degree. 11 ~~Del.C. §770.~~

- 9.1.3635 Rape in the third degree. 11 ~~Del.C. §771.~~

- 9.1.3736 Rape in the second degree. 11 ~~Del.C. §772.~~

- 9.1.3837 Rape in the first degree. 11 ~~Del.C. §773.~~

- 9.1.3938 Sexual extortion. 11 ~~Del.C. §776~~ 774.

- 9.1.4039 Bestiality. 11 ~~Del.C. §777~~ 775.

- 9.1.4140 Continuous sexual abuse of a child. 11 ~~Del.C. §778~~ 776.

- 9.1.4241 Dangerous crime against a child. 11 ~~Del.C. §779~~ 777.

- 9.1.4342 Female genital mutilation. 11 ~~Del.C. §780.~~

- 9.1.4443 Unlawful imprisonment in the second degree. 11 ~~Del.C. §781.~~

- 9.1.4544 Unlawful imprisonment in the first degree. 11 ~~Del.C. §782.~~

- 9.1.4645 Kidnapping in the second degree. 11 ~~Del.C. §783.~~

- 9.1.4746 Kidnapping in the first degree. 11 ~~Del.C. §783A.~~

- 9.1.4847 Interference with custody. 11 ~~Del.C. §785.~~

- 9.1.4948 Acts constituting coercion. 11 ~~Del.C. §791.~~

- 9.1.5049 Arson in the third degree. 11 ~~Del.C. §801.~~

- 9.1.5150 Arson in the second degree. 11 ~~Del.C. §802.~~

- 9.1.5251 Arson in the first degree. 11 ~~Del.C. §803.~~

- 9.1.5352 Reckless burning or exploding; felony. 11 **Del.C.** §804.
- 9.1.5453 Cross or religious symbol burning. 11 **Del.C.** §805.
- 9.1.5554 Criminal mischief. 11 **Del.C.** §811.
- 9.1.5655 Trespassing with intent to peep or peer. 11 **Del.C.** §820.
- 9.1.5756 Burglary in the third degree. 11 **Del.C.** §824.
- 9.1.5857 Burglary in the second degree. 11 **Del.C.** §825.
- 9.1.5958 Burglary in the first degree. 11 **Del.C.** §826.
- 9.1.6059 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828.
- 9.1.6460 Robbery in the second degree. 11 **Del.C.** §831.
- 9.1.6261 Robbery in the first degree. 11 **Del.C.** §832.
- 9.1.6362 Carjacking in the second degree. 11 **Del.C.** §835.
- 9.1.6463 Carjacking in the first degree. 11 **Del.C.** §836.
- 9.1.6564 Shoplifting. 11 **Del.C.** §840.
- 9.1.6665 Use of illegitimate retail sales receipt or Universal Product Code Label. 11 **Del.C.** §840A.
- 9.1.6766 Theft. 11 **Del.C.** §841.
- ~~9.1.68 Theft; lost or mislaid property. 11 **Del.C.** §842.~~
- ~~9.1.69 Theft; false pretense. 11 **Del.C.** §843.~~
- ~~9.1.70 Theft; false promise. 11 **Del.C.** §844.~~
- ~~9.1.74 Theft of services. 11 **Del.C.** §845.~~
- 9.1.7267 Extortion. 11 **Del.C.** §846.
- 9.1.7368 Misapplication of property. 11 **Del.C.** §848.
- 9.1.7469 Theft of rented property. 11 **Del.C.** §849.
- 9.1.7570 Use, possession, manufacture, distribution and sale of unlawful telecommunication and access devices; felony. 11 **Del.C.** §850.
- 9.1.7671 Receiving stolen property; felony. 11 **Del.C.** §851.
- 9.1.7772 Identity theft. 11 **Del.C.** §854.
- 9.1.7873 Possession of shoplifters tools or instruments facilitating theft. 11 **Del.C.** §860.
- 9.1.7974 Forgery. 11 **Del.C.** §861.
- 9.1.8075 Possession of forgery devices. 11 **Del.C.** §862.
- 9.1.8476 Falsifying business records. 11 **Del.C.** §871.
- 9.1.8277 Tampering with public records in the second degree 11 **Del.C.** §873.
- 9.1.8378 Tampering with public records in the first degree. 11 **Del.C.** §876.
- 9.1.8479 Offering a false instrument for filing. 11 **Del.C.** §877.
- 9.1.8580 Issuing a false certificate. 11 **Del.C.** §878.
- 9.1.8681 Bribery. 11 **Del.C.** §881.
- 9.1.8782 Bribe receiving. 11 **Del.C.** §882.
- 9.1.8883 Defrauding secured creditors. 11 **Del.C.** §891.
- 9.1.8984 Fraud in insolvency. 11 **Del.C.** §892.
- 9.1.9085 Interference with levied-upon property. 11 **Del.C.** §893.
- 9.1.9486 Issuing a bad check. 11 **Del.C.** §900.
- 9.1.9287 Unlawful use of credit payment card. 11 **Del.C.** §903.
- 9.1.9388 Re-encoder and scanning devices. 11 **Del.C.** §903A.
- 9.1.9489 Deceptive business practices. 11 **Del.C.** §906.
- 9.1.9590 Criminal impersonation. 11 **Del.C.** §907.
- 9.1.9691 Criminal impersonation, accident related. 11 **Del.C.** §907A.
- 9.1.9792 Criminal impersonation of a police officer. 11 **Del.C.** §907B.

- 9.1.9893 Unlawfully concealing a will. 11 **Del.C.** §908.
- 9.1.9994 Securing execution of documents by deception. 11 **Del.C.** §909.
- 9.1.40095 Fraudulent conveyance of public lands. 11 **Del.C.** §911.
- 9.1.40496 Fraudulent receipt of public lands. 11 **Del.C.** §912.
- 9.1.40297 Insurance fraud. 11 **Del.C.** §913.
- 9.1.40398 Health care fraud. 11 **Del.C.** §913A.
- 9.1.40499 Home improvement fraud. 11 **Del.C.** §916.
- 9.1.405100 New home construction fraud. 11 **Del.C.** §917.
- 9.1.106101 Transfer of recorded sounds. 11 **Del.C.** §920.
- 9.1.107102 Sale of transferred recorded sounds. 11 **Del.C.** §921.
- 9.1.108103 Improper labeling 11 **Del.C.** §922.
- ~~9.1.109 Theft of computer services. 11 **Del.C.** §933.~~
- ~~9.1.110 Interruption of computer services. 11 **Del.C.** §934.~~
- ~~9.1.111 Misuse of computer system information. 11 **Del.C.** §935.~~
- ~~9.1.112 Destruction of computer equipment. 11 **Del.C.** §936.~~
- ~~9.1.113 Failure to promptly cease electronic communication upon request. 11 **Del.C.** §920.~~
- 9.1.444104 Bigamy. 11 **Del.C.** §1001.
- ~~9.1.115 Bigamous marriage contracted outside of the State. 11 **Del.C.** §1002.~~
- 9.1.446105 Dealing in children. 11 **Del.C.** §1100A.
- 9.1.447106 Endangering the welfare of a child. 11 **Del.C.** §1102.
- ~~9.1.118 Endangering the welfare of an incompetent person. 11 **Del.C.** §1105.~~
- 9.1.449107 Sexual exploitation of a child. 11 **Del.C.** §1108.
- 9.1.420108 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
- 9.1.424109 Possession of child pornography. 11 **Del.C.** §1111.
- 9.1.422110 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112.
- 9.1.423111 Sexual solicitation of a child. 11 **Del.C.** §1112A.
- 9.1.424112 Body-piercing, tattooing or branding. 11 **Del.C.** §1114.
- 9.1.425113 Tongue-splitting. 11 **Del.C.** §1114A.
- 9.1.426114 Bribery. 11 **Del.C.** §1201.
- 9.1.427115 Receiving a bribe; class E felony. 11 **Del.C.** §1203.
- 9.1.428116 Improper influence. 11 **Del.C.** §1207.
- 9.1.429117 Official misconduct. 11 **Del.C.** §1211.
- 9.1.430118 Profiteering. 11 **Del.C.** §1212.
- 9.1.434119 Perjury in the second degree. 11 **Del.C.** §1222.
- 9.1.432120 Perjury in the first degree. 11 **Del.C.** §1223.
- 9.1.433121 Making a false written statement. 11 **Del.C.** §1233.
- 9.1.434122 Terroristic threatening of public officials or public servants. 11 **Del.C.** §1240.
- 9.1.435123 Hindering prosecution; felony. 11 **Del.C.** §1244.
- 9.1.436124 Falsely reporting an incident; felony. 11 **Del.C.** §1245.
- 9.1.437125 Obstructing the control and suppression of rabies; felony. 11 **Del.C.** §1248.
- 9.1.438126 Abetting the violation of driver's license restrictions; felony. 11 **Del.C.** §1249.
- 9.1.439127 Offenses against law-enforcement animals; felony. 11 **Del.C.** §1250.
- 9.1.440128 Escape in the second degree. 11 **Del.C.** §1252.
- 9.1.444129 Escape after conviction. 11 **Del.C.** §1253.
- 9.1.442130 Assault in a detention facility. 11 **Del.C.** §1254.
- 9.1.443131 Promoting prison contraband; felony. 11 **Del.C.** §1256.

- 9.1.444132 Use of an animal to avoid capture; felony 11 **Del.C.** §1257A.
- 9.1.445133 Sexual relations in detention facility. 11 **Del.C.** §1259.
- 9.1.446134 Bribing a witness. 11 **Del.C.** §1261.
- 9.1.447135 Bribe receiving by a witness. 11 **Del.C.** §1262.
- 9.1.448136 Tampering with a witness. 11 **Del.C.** §1263.
- 9.1.449137 Interfering with child witness. 11 **Del.C.** §1263A.
- 9.1.450138 Bribing a juror. 11 **Del.C.** §1264.
- 9.1.454139 Bribe receiving by a juror. 11 **Del.C.** §1265.
- 9.1.452140 Tampering with a juror. 11 **Del.C.** §1266.
- 9.1.453141 Misconduct by a juror. 11 **Del.C.** §1267.
- 9.1.454142 Tampering with physical evidence. 11 **Del.C.** §1269.
- 9.1.455143 Riot. 11 **Del.C.** §1302.
- 9.1.456144 Hate crimes. 11 **Del.C.** §10304.
- ~~9.1.157 Aggravated harassment. 11 **Del.C.** §1312.~~
- 9.1.458145 Stalking. 11 **Del.C.** §1312A.
- 9.1.459146 Malicious interference with emergency communications. 11 **Del.C.** §1313.
- ~~9.1.160 Criminal nuisance. 11 **Del.C.** §1322.~~
- 9.1.464147 Cruelty to animals. 11 **Del.C.** §1325.
- 9.1.462148 The unlawful trade in dog or cat by-products. 11 **Del.C.** §1325A
- 9.1.463149 Animals; fighting and baiting prohibited; felony. 11 **Del.C.** §1326.
- 9.1.464150 Maintaining a dangerous animal; felony. 11 **Del.C.** §1327.
- 9.1.465151 Abusing a corpse. 11 **Del.C.** §1332.
- 9.1.466152 Trading in human remains and associated funerary objects. 11 **Del.C.** §1333.
- 9.1.467153 Violation of privacy. 11 **Del.C.** §1335.
- 9.1.468154 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338.
- 9.1.469155 Adulteration. 11 **Del.C.** §1339.
- 9.1.470156 Promoting prostitution in the third degree. 11 **Del.C.** §1351.
- 9.1.474157 Promoting prostitution in the second degree. 11 **Del.C.** §1352.
- 9.1.472158 Promoting prostitution in the first degree. 11 **Del.C.** §1353.
- 9.1.473159 Permitting prostitution. 11 **Del.C.** §1355.
- 9.1.474160 Obscenity. 11 **Del.C.** §1361.
- 9.1.475161 Carrying a concealed deadly weapon. 11 **Del.C.** §1442.
- 9.1.476162 Possessing a destructive weapon. 11 **Del.C.** §1444.
- ~~9.1.177 Unlawfully dealing with a dangerous weapon. 11 **Del.C.** §1445.~~
- 9.1.478163 Possession of a deadly weapon during commission of a felony. 11 **Del.C.** §1447.
- 9.1.479164 Possession of a firearm during commission of a felony. 11 **Del.C.** §1447A.
- 9.1.480165 Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** §1448.
- 9.1.484166 Criminal history record checks for sales of firearms; felony. 11 **Del.C.** §1448A.
- 9.1.482167 Receiving a stolen firearm. 11 **Del.C.** §1450.
- 9.1.483168 Theft of a firearm. 11 **Del.C.** §1451.
- 9.1.484169 Giving a firearm to person prohibited. 11 **Del.C.** §1454.
- 9.1.485170 Engaging in a firearms transaction on behalf of another. 11 **Del.C.** §1455.
- 9.1.486171 Unlawfully permitting a minor access to a firearm. 11 **Del.C.** §1456.
- 9.1.487172 Possession of a weapon in a Safe School and Recreation Zone; felony. 11 **Del.C.** §1457.
- 9.1.488173 Removing a firearm from the possession of a law enforcement officer. 11 **Del.C.** §1458.
- 9.1.489174 Prohibited acts. cheating devices)-(e). 11 **Del.C.** §1471.

- ~~9.1.190 Organized Crime and Racketeering. 11 Del.C. §1504.~~
- 9.1.191 ~~175~~ Victim or Witness Intimidation. 11 Del.C. §3532 & 3533.
- 9.1.192 ~~176~~ Abuse, neglect, mistreatment or financial exploitation of residents or patients 16 Del.C. §1136(a), (b) and (c).
- ~~9.1.193 Prohibited acts A under the Uniform Controlled Substances Act. 16 Del.C. §4751(a), (b) and (c).~~
- 9.1.194 Prohibited acts B under the Uniform Controlled Substances Act. 16 Del.C. §4752(a) and (b).
- ~~9.1.195 Unlawful delivery of noncontrolled substance. 16 Del.C. §4752A.~~
- ~~9.1.196 Prohibited acts C under the Uniform Controlled Substances Act. 16 Del.C. §4753.~~
- 9.1.197 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4 methylenedioxymethamphetamine (MDMA). 16 Del.C. §4753A (a)(1)-(9).
- ~~9.1.198 Prohibited acts D under the Uniform Controlled Substances Act. 16 Del.C. §4754.~~
- ~~9.1.199 Possession and delivery of noncontrolled prescription drug. 16 Del.C. §4754A.~~
- 9.1.200 Prohibited acts E under the Uniform Controlled Substances Act. 16 Del.C. §4755(a)(1) and (2)
- 9.1.201 Prohibited acts under the Uniform Controlled Substances Act. 16 Del.C. §4756(a)(1)-(5) and (b).
- 9.1.202 Hypodermic syringe or needle; delivering or possessing; disposal; 16 Del.C. §4757.
- 9.1.203 Keeping drugs in original containers. 16 Del.C. §4758
- 9.1.204 Distribution to persons under 21 years of age. 16 Del.C. §4761.
- 9.1.205 Purchase of drugs from minors. 16 Del.C. §4761A
- 9.1.206 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 Del.C. §4767.
- 9.1.207 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship. 16 Del.C. §4768.
- ~~9.1.208 Drug paraphernalia. 16 Del.C. §4771(a) and (b).~~
- 9.1.209 Possession, manufacture and sale, delivery to a minor and advertising of drug paraphernalia. 16 Del.C. §4774(a), (b), (c) (d)
- ~~9.1.210 177~~ Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs; felony. 23 Del.C. §2302(a) and § 2305 (3) and (4).
- ~~9.1.211 178~~ Attempt to evade or defeat tax. 30 Del.C. §571.
- 9.1.212 ~~179~~ Failure to collect or pay over tax. 30 Del.C. §572.
- 9.1.213 ~~180~~ Fraud and false statements [taxes]. 30 Del.C. §574.
- ~~9.1.214 Understatement or evasion [taxes]. 30 Del.C. §576.~~
- 9.1.215 ~~181~~ Obtaining benefit under false representation. 31 Del.C. §1003.
- 9.1.216 ~~182~~ Reports, statements and documents. 31 Del.C. §1004(1), (2), (3), (4), (5)
- 9.1.217 ~~183~~ Kickback schemes and solicitations. 31 Del.C. §1005.
- 9.1.218 ~~184~~ Conversion of payment. 31 Del.C. §1006.
- ~~9.1.219 Unlawful possession or manufacture of proof of insurance. 21 Del.C. §2118A.~~
- ~~9.1.220 Temporary registration violations related to providing false information. 21 Del.C. §2133(a) (1) (3).~~
- ~~9.1.221 False statements. 21 Del.C. §2315.~~
- 9.1.222 ~~185~~ Altering or forging certificate of title, manufacturer's certificate of origin, registration card, vehicle warranty or certification sticker or vehicle identification plate. 21 Del.C. §2316.
- 9.1.223 ~~186~~ False statements; incorrect or incomplete information. 21 Del.C. §2620.
- 9.1.224 ~~187~~ License to operate a motorcycle, motorbike, etc. 21 Del.C. §2703.
- 9.1.225 Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age. 21 Del.C. §2710.
- 9.1.226 ~~188~~ Unlawful application for or use of license or identification card. 21 Del.C. §2751.
- 9.1.227 ~~189~~ False statements. 21 Del.C. §2752

PROPOSED REGULATIONS

- ~~9.1.228 Employment of unlicensed person. 21 Del.C. §2754.~~
- ~~9.1.229 Authorizing or permitting the operation of a motor vehicle by another. 21 Del.C. §2755.~~
- 9.1.230190 Duplication, reproduction, altering, or counterfeiting of driver's licenses or identification cards. 21 Del.C. §2760(a) and (b).
- ~~9.1.231 Driving after judgment prohibited. 21 Del.C. §2810.~~
- 9.1.232191 False statements. 21 Del.C. §3107.
- 9.1.233192 Driving a vehicle while under the influence or with a prohibited alcohol content; felony. 21 Del.C. §4177(3) and (4).
- ~~9.1.234193 Duty of driver involved in accident resulting in injury or death to any person. 21 Del.C. §4202.~~
- ~~9.1.235 Duty to report accidents; evidence. 21 Del.C. §4203.~~
- 9.1.236194 Possession of motor vehicle master keys, manipulative keys, key-cutting devices, lock picks or lock picking devices and hot wires. 21 Del.C. §4604(a).
- 9.1.237195 Receiving or transferring stolen vehicle. 21 Del.C. §6704.
- 9.1.238196 Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identity; felony. 21 Del.C. §6705(b) and (d).
- 9.1.239197 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 Del.C. §6708(a) and (b).
- 9.1.240198 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers. 21 Del.C. §6709(a).
- 9.1.241199 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers. 21 Del.C. §6710(a).
- ~~9.1.242 Obstructing person in performance of duty. 3 Del.C. §1044.~~
- 9.1.243200 Unlawful Acts. 3 Del.C. §1224.
- ~~9.1.244 Offenses [involving meat and poultry inspection including bribery or attempted bribery or assaulting or impeding any person in the performance of his duties] (felony) 3 Del.C. §8713.~~
- ~~9.1.245 Fraud or distribution or attempted distribution of adulterated article. 3 Del.C. §8715.~~
- 9.1.246201 Fraudulent Written Statements. 3 Del.C. §10049.
- 9.1.247202 Fraudulent Certificate of Registration or Eligibility Documents 3 Del.C. §10050.
- ~~9.1.248 Interference with officer or inspector. 4 Del.C. §907.~~
- ~~9.1.249 Prohibited trade practices against infirm or elderly. 6 Del.C. §2581.~~
- 9.1.250 Prohibition of intimidation [under the Fair Housing Act]; felony. 6 Del.C. §4619.
- 9.1.251 Auto Repair Fraud victimizing the infirm or elderly. 6 Del.C. §4909A.
- ~~9.1.252 Hindering or obstructing [DOA] officer. 6 Del.C. §5132.~~
- ~~9.1.253 Impersonation of [DOA] officer. 6 Del.C. §5133.~~
- ~~9.1.254 Violations of the Securities Act. 6 Del.C. §7322.~~
- ~~9.1.255 Poisoning of dogs. 7 Del.C. §1710.~~
- ~~9.1.256 Unauthorized acts against a service guide or seeing eye dog. 7 Del.C. §1717.~~
- ~~9.1.257 Interference with department personnel. 7 Del.C. §6015.~~
- ~~9.1.258 Improper disposal of solid waste. 7 Del.C. §6025.~~
- ~~9.1.259 Failure to report discharge of pollutant or contaminant. 7 Del.C. §6028.~~
- 9.1.260203 Prohibitions [relating to generation, storage, disposal, transportation, and treatment of hazardous waste]. 7 Del.C. §6304.
- ~~9.1.261 Interference with department [DNREC] personnel. 7 Del.C. §6315~~
- 9.1.262204 Interception of Communications Generally; Divulging Contents of Communications 11 Del.C. §2402.
- 9.1.263205 Manufacture, Possession or Sale of Intercepting Device. 11 Del.C. §2403.
- 9.1.264206 Breaking and Entering, Etc. to Place or Remove Equipment. 11 Del.C. §2410.

-
- 9.1.~~265~~207 Obstruction, Impediment or Prevention of Interception. 11 **Del.C.** §2412.
9.1.~~266~~208 Obtaining, Altering or Preventing Authorized Access. 11 **Del.C.** §2421.
9.1.267 ~~Divulging Contents of Communications.~~ 11 **Del.C.** §2422.
9.1.~~268~~209 Installation and Use Generally [of pen trace and trap and trace devices]. 11 **Del.C.** §2431.
9.1.269 ~~Attempt to Intimidate.~~ 11 **Del.C.** §3534.
9.1.~~270~~210 Disclosure of Expunged Records. 11 **Del.C.** §43746.
9.1.271 ~~Violation of reporting provisions re: SBI.; felony~~ 11 **Del.C.** §8523.
9.1.272 ~~Failure of child care provider to obtain information required under §8561 or for those providing false information.~~ 11 **Del.C.** §8562.
9.1.273 ~~Providing false information when seeking employment in a public school.~~ 11 **Del.C.** §8572.
9.1.274 ~~Filing False Claim [under Victims' Compensation Fund].~~ 11 **Del.C.** §9016.
9.1.~~275~~211 Alteration, theft or destruction of will. 12 **Del.C.** §210.
9.1.276 ~~Failure of Physician to file report of abuse of neglect pursuant to~~ 16 **Del.C.** §903.
9.1.277 ~~Coercion or intimidation involving health care decisions and falsification, destruction of a document to create a false impression that measures to prolong life have been authorized.~~ 16 **Del.C.** §513.
9.1.278 ~~Treatment of meats with unlawful drugs and preparations [prior to sale].~~ 16 **Del.C.** §3317.
9.1.~~279~~212 Violations related to the sale, purchase, receipt, possession, transportation, use, safety and control of explosive materials other than 16 **Del.C.** §7103. 16 **Del.C.** §7112.
9.1.280 ~~Violation of contractor trust provision of § 802 for Highway Construction Payments.~~ 17 **Del.C.** §805.
9.1.281 ~~Violation of deadly weapons dealers' license requirements.~~ 24 **Del.C.** §901.
9.1.282 ~~Sale [deadly weapons] to persons under 21 or intoxicated persons.~~ 24 **Del.C.** §903.
9.1.283 ~~[Failure to make] reports of persons who are subject to loss of consciousness.~~ 24 **Del.C.** §1763.
9.1.284 ~~False statements [State taxes motor fuel carriers].~~ 30 **Del.C.** §5215.
9.1.~~285~~213 Abuse, neglect, exploitation or mistreatment of infirm adult. 31 **Del.C.** §3913(a), (b) and (c).

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

5200 Board of Examiners of Nursing Home Administrators

Symbol Key

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

Final Regulations

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

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

**DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION****DELAWARE STANDARDBRED BREEDERS' FUND**

Statutory Authority: 29 Delaware Code, Section 4815(b)(4)b.2 (29 **Del.C.** §4815(b)(4)b.2)
3 **DE Admin. Code** 502

ORDER

502 Delaware Standardbred Breeders' Fund Regulations**I. NATURE OF PROCEEDINGS**

Pursuant to its authority under 29 **Del.C.** §4815(b)(4)b.2 the State of Delaware, Department of Agriculture's Standardbred Breeders' Fund (herein "the Fund") proposed to amend its regulations. Proposed amended regulation under 13.7 defines and allows horses a wider window of qualifying for the program. It also reflects consistency with the Delaware Harness Racing Commission requirement. The changed format will commence with the fall racing year of 2017.

Notice of a public comment period of thirty (30) days on the Fund's proposed amended regulations was published in the Delaware *Register of Regulations* for May 1, 2017 in accordance with 29 **Del.C.** §4815(b)(4)b.2. This is the Fund's Decision and Order adopting the proposed amended regulations.

II. PUBLIC COMMENTS

The Fund received no public comments in response to its notice of intention to adopt the proposed amended regulation.

III. FINDINGS AND CONCLUSIONS

The public was given the required notice of the Fund's intention to adopt the proposed amended regulation and was given ample opportunity to provide the Fund with comments opposing the Fund's plan. Thus, the Fund concludes that its consideration of the proposed amended regulation was entirely within its prerogatives and statutory authority and, having received no comments opposed to adoption, is now free to adopt the proposed amended regulation.

IV. ORDER

AND NOW this 14th day of July, 2017, it is hereby ordered that:

1. The proposed amendment to the Fund's regulations is adopted;
2. The text of the final regulation shall be in the form attached hereto as Exhibit A;
3. The effective date of this Order is ten days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 **Del.C.** §10118(e); and
4. The Fund reserves to itself the authority to issue such other and further orders concerning its Regulations as it deems appropriate.

IT IS SO ORDERED.

Richard Geisenberger
Garnet O'Marrow
John E. Hensley
Michael Scuse

Bruce Ennis
Linda MacDonald
Matt Sparacino
Daniel Keeler

***Please note that no changes were made to the regulation as originally proposed and published in the May 2017 issue of the *Register* at page 852 (20 DE Reg. 852). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

502 Delaware Standardbred Breeders' Fund Regulations

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 1009

REGULATORY IMPLEMENTING ORDER

1009 DIAA High School Interscholastic Athletics

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Secretary of Education seeks the consent of the State Board of Education ("State Board") to amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics. This regulation is being amended in consultation and cooperation with the Delaware Interscholastic Athletic Association (DIAA). The regulation is being amended to add sections that specify the purpose of the transfer, passing work, and years of participation eligibility rules; clarify the transfer and years of participation rules as to eighth grade students who are eligible to participate in interscholastic athletics at the high school level; organize existing sections of the transfer rule for clarity; change the time period for the subsection that allows a student who has previously participated in interscholastic athletics to transfer one time from the first year of eligibility to the first and second years of eligibility; change the transfer options permissible under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, to conform to federal and state law; and to eliminate the prohibition against practicing if a student is ineligible under the passing work rule. It is important to note that the amendments to the published regulation were a result of input and engagement from the DIAA Rules and Regulations Committee and focus groups, member schools, athletic directors and the Governor appointed DIAA Board of Directors ("DIAA Board").

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on April 1, 2017, in the form hereto attached as Exhibit "A". Comments were received from Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) noting that: (1) Section 2.4.4.1.4.2 disallows a student from engaging in all athletic activities unrelated to sports played at a former school. The Department notes that while most of the language in Section 2.4.4.1.4.2 is not new, language was added regarding students in their second year of eligibility for interscholastic athletic participation at the high school level. The intent of Section 2.4.4.1.4.2 is to prevent multi-sport athletes from benefitting by transferring schools more than once in the same school year; (2) Section 2.4.7 disallows a student transferring to a choice school in grades 10-12 from participating in any sport offered at former school even if the student did not participate in any sports at the former school. The Department notes that the language in Section 2.4.7 aligns with current Title 14 Delaware Code Ch. 4, §410; (3) the Department retained the word "athletics" in Section 2.4.7 to avoid any implication that the DIAA is regulating non-athletic activities. The Department originally struck the word "athletics" and added "contests or competitions" to align this section with Title 14 of the Delaware Code Ch. 4, §410 and to clarify that students can participate in practices in the sports that are regulated by the DIAA; (4) Section 2.7.3 omits the concept that an IEP team is the primary decision-maker in the context of participation in athletics and imposes a burden of proof on a student with an IEP to justify participation in athletics, which is a foreign concept in special education. The Department notes that Section 2.7.3 is existing language and it applies equally to all students regardless of disability. (5) the regulation does not address how the participation of students with disabilities is affected by participating in unified sports and suggested inserting an exception to Section 2.7 for students with disabilities. The Department appreciates the suggestion to clarify students with disabilities' participation in unified sports. The DIAA Board has not discussed any changes to date regarding students with disabilities who participate in unified sports.

The DIAA Board did agree that the word "impair" in Section 2.4.1 should be changed to "discourage." Also the Department notes that the word "sole" was inadvertently omitted in the types of parental custody noted in the regulation, and the term "or required hours" was added to the definition of "One School Year." These nonsubstantive changes were made to further clarify the regulation.

Additionally, the State Board requested more information regarding why the change to subsection 2.6 to add the option of allowing students to participate in practices was made. The State Board considered these changes during its regular monthly meetings on May 18, 2017 and June 15, 2017. However, the State Board did not have a sufficient number of affirmative votes to approve the changes. The Department is bringing forward this regulation for reconsideration.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics in order to add sections that specify the purpose of the transfer, passing work, and years of participation eligibility rules; clarify the transfer and years of participation rules as to eighth grade students who are eligible to participate in interscholastic athletics at the high school level; organize existing sections of the transfer rule for clarity; change the time period for the subsection that allows a student who has previously participated in interscholastic athletics to transfer one time from the first year of eligibility to the first and second years of eligibility; change the transfer options permissible under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, to conform to federal and state law; and to eliminate the prohibition against practicing if a student is ineligible under the passing work rule.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics in the Administrative Code of Regulations for the Department of Education.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on July 27, 2017. The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

IT IS SO ORDERED the 27th day of July 2017.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 27th day of July 2017

State Board of Education

Dennis L. Loftus, Ed.D., President

Nina L. Bunting, Vice President

G. Patrick Heffernan

Barbara B. Rutt (absent)

Gregory B. Coverdale, Jr.

Liane M. Sorenson (absent)

Terry M. Whittaker, Ed.D.

1009 DIAA High School Interscholastic Athletics (Break in Continuity of Sections)

2.0 Eligibility: No Student Shall Represent a School in an Interscholastic Scrimmage or Contest if the Student Does Not Meet the Following Requirements

(Break in Continuity Within Section)

2.4 Eligibility, Transfers

2.4.1 Purpose

The intent of the High School Transfer Rule is to deter students from transferring schools for athletic purposes, to help ~~impair~~ discourage recruitment, and to reduce the opportunity for undue influence to be exerted by persons who seek to benefit from a student's athletic talent. DIAA recognizes that, because of the number of transfers that occur each year, it is difficult to carry out that intent if an individualized determination is required for all students who transfer schools. The exceptions in subsection 2.4.4 of this regulation involve circumstances in which establishing a hardship for eligibility purposes is not required; strict enforcement of the rule will not serve to accomplish the purpose of the rule; the spirit of the rule will not be offended or compromised; the principle of educational balance over athletics will not be offended or compromised; and there is no safety risk to teammates or competitors.

~~2.4.1~~ 2.4.2 Definitions:

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

(Break in Continuity Within Section)

“**One school year**” means the number school attendance days **[or required hours]** in a school year as adopted by the student's district or school- (i.e. 180 attendance days).

(Break in Continuity Within Section)

2.4.4 Exceptions to the High School Transfer Rule

2.4.4.1 The period of ineligibility shall not apply if the transfer is the result of the student being homeless as defined in the McKinney Vento Act, 42 U.S.C. 11434a(2). A student, the

FINAL REGULATIONS

student's family, and the student's receiving school are not required to submit a waiver request and establish the conditions for granting a waiver set forth in subsection 9.1.1 of 14 DE Admin. Code 1006, including hardship, and the period of ineligibility shall not apply if the student meets one of the following exceptions and the student's transfer was not for athletic advantage as provided in subsection 2.4.6 of this regulation:

(Break in Continuity Within Section)

2.4.4.1.7 Transfer Due to Court Action - A student may transfer without loss of athletic eligibility if the transfer is caused by court action, court action being an order from a court of law affecting legally committed students. In the case of a transfer of guardianship or custody, the transfer shall be the result of a court order signed by a judge, commissioner, or master of a court of competent jurisdiction. A petition for the transfer of guardianship or custody, an affidavit, (except as permitted by subsection 2.4.4.3.2.1 of this regulation), or a notarized statement signed by the affected parties shall not be sufficient to render the student eligible to participate in interscholastic athletics.

2.4.4.1.7.1 Sole, Joint, or Shared Custody - In cases of [sole,] joint, or shared custody once a primary residence is established, a change in a student's primary residence without court action renders the student ineligible unless one of the other exceptions in subsection 2.4.4 of this regulation applies.

*Please note that no additional changes were made to the regulation as originally proposed and published in the April 2017 issue of the *Register* at page 762 (20 DE Reg. 762). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:

1009 DIAA High School Interscholastic Athletics

DEPARTMENT OF INSURANCE

OFFICE OF LEGAL AND SPECIAL PROJECTS

Statutory Authority: 18 Delaware Code, Sections 311 and 2712 and 21 Delaware Code, Sections 2118 and 2902 (18 **Del.C.** §§311 & 2712, and 21 **Del.C.** §§2118 & 2902)
18 **DE Admin. Code** 603

ORDER

603 Delaware Motorists Protection Act

Background: Title 18 of the Delaware Administrative Code governs Insurance matters. House Bill 114, "An Act to Amend Title 21 of the Delaware Code Relating to Bodily Injury and Property Damage Coverage on Motor Vehicles," was signed into law by the Governor on June 13, 2017 and becomes effective on December 13, 2017 (six months after the date of enactment). The Act amends 21 **Del.C.** §2902 to raise the minimum bodily injury and property damage limits in all automobile insurance policies newly written or renewed after the effective date of the Act, as follows:

Type of Coverage	Limit Prior to Enactment of HB 114	Limit after Enactment of HB 114
Bodily injury to or death of 1 person in any 1 accident and, subject to said limit for 1 person	\$15,000	\$25,000
Bodily injury to or death of 2 or more persons in any 1 accident	\$30,000	\$50,000
Injury to or destruction of property of others in any 1 accident.	\$5,000	\$10,000

The Department's regulation, 18 **DE Admin. Code** 603, contains a Form A, which is the Coverage Election form that must be presented by the insurer, broker or agent to the policyholder and acknowledged by obtaining the policyholder's signature, and that describes various types and levels of coverage. By way of this notice, the Department is updating Form A to reflect the revised coverage minimums promulgated by HB 114. These coverage minimums will be effective as of December 13, 2017. This amendment is exempt from the requirement of public notice and comment because it is an amendment to existing regulations to make them consistent with changes in basic law but which do not otherwise alter the substance of the regulations, pursuant to 29 **Del.C.** §10113(b)(5).

Amendments that the Department is making that are exempt from the requirement of public notice and comment because they are nonsubstantive changes in existing regulations that correct typographical and style errors pursuant to 29 **Del.C.** §10113(b)(4) include changing the lower case "a" in the title to section 11 to an upper case "A" so that the section title reads, "Delaware Form A 'Coverage Election'," deleting the stray quotation mark at the end of paragraph 12.3, and deleting the paragraph numbers 3.1, 5.1, 7.1, 13.1, 14.1, and 5.1 as extraneous pursuant to the Delaware Administrative Code Style Manual.

It is so ordered. This 18th day of July, 2017.

Trinidad Navarro
Commissioner, Delaware Department of Insurance

***Please note that due to the size of the final regulation, it is not being published here. A copy of the regulation is available at:**

603 Delaware Motorists Protection Act

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF ENERGY AND CLIMATE**

Statutory Authority: 29 Delaware Code, Section 8003(7) (29 **Del.C.** §8003(7))
7 **DE Admin. Code** 2102

Secretary's Order No.: 2017-EC-0017

RE: Approving Final Regulatory Repeal of 7 DE Admin. Code 2102: *Implementation of the Renewable Energy Portfolio Standards Cost Cap Revisions*

2102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

Date of Issuance: July 3, 2017

Effective Date of the Repeal: August 11, 2017

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 29 **Del.C.** §8003(7), the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced regulatory proceeding.

Background, Procedural History and Findings of Fact

This Order relates to the proposed regulatory repeal of 7 **DE Admin. Code** 2102: *Implementation of the Renewable Energy Portfolio Standards Cost Cap Revisions* ("RPS Cost Cap Regulations"), previously promulgated by DNREC in 2016 to direct when and how the Department's Director of the Division of Energy & Climate ("DEC") may freeze implementation of the Renewable Portfolio Standards ("RPS") under 26 **Del.C.** §354(i) & (j). The purpose of this action is to repeal the Department's existing 7 **DE Admin. Code** 2102, in order to be consistent with the State of Delaware Public Service Commission ("PSC") Regulation No. 3008, *Rules and Procedures to Implement the Renewable Energy Portfolio Standard*, and to be compliant with a recent commitment made to Delaware Superior Court Judge Abigail LeGrow in the matter of *DPA v. DNREC* (litigation initiated by the State of Delaware's Division of the Public Advocate to challenge 7 **DE Admin. Code** 2102).

Delaware's *Renewable Energy Portfolio Standards Act*, as amended by Senate Substitute 1 to Senate Bill 119 in June 2010, includes a cost cap provision for regulated electric utilities. According to that provision, the Department's Director of the DEC may freeze the RPS if the cost of compliance exceeds 3% of the total retail costs of electricity for the RPS as a whole, or 1% of total retail costs of electricity for solar photovoltaic. 7 **DE Admin. Code** 2102 directs how the Department's DEC calculates the cost of compliance, directs how the DEC Director decides whether and when to freeze the RPS, and directs how said Director decides whether and when to lift a freeze.

DNREC initially promulgated the aforementioned RPS Cost Cap Regulations in response to a Petition for Rule-making filed with its DEC on November 2, 2011. Thereafter, the Department's Start Action Notice ("SAN") No. 2012-03 was signed by then DNREC Secretary Collin O'Mara on April 16, 2012, and the initial proposed new regulation was published in the *Delaware Register of Regulations* on December 1, 2013. Over the course of the following two and half years, two work group sessions and three public hearings were held by the Department regarding this proposed regulatory action. Members of the public attended those public hearings, and many provided comment to the Department on the draft regulation throughout DNREC's formal regulatory development process. Three draft regulations were published before the final regulation was published in the *Delaware Register of Regulations* on January 1, 2016. Subsequent to said regulation having become effective on January 11, 2016, the first annual Director's Determination (pursuant to 7 **DE Admin.** 2102) was finalized in April of 2016.

The State of Delaware's Division of the Public Advocate ("DPA") filed parallel lawsuits in Delaware's Superior Court in 2016, which initiated litigation against both DNREC and the Public Service Commission ("Commission", "PSC") regarding the above-referenced RPS regulatory provisions. In December of 2016, Judge Abigail LeGrow issued a Memorandum Opinion in *DPA v. PSC*, which directed the PSC to revise its Regulation No. 3008, *Rules and Procedures to Implement the Renewable Energy Portfolio Standard*, pursuant to its statutory authority under 26 **Del.C.** §362(b). The PSC decided not to appeal Judge LeGrow's Opinion, and thereafter, the Commission

commenced the process for promulgating its own regulations consistent with the Court's decision. In light of the PSC's decision, DNREC chose to take a collaborative course of action with the Commission, and began the process to formally repeal its RPS Cost Cap Regulations.

It should be noted that DNREC did not concede any of the arguments made to Judge LeGrow in *DPA v. DNREC*. Instead, on January 30, 2017, DNREC wrote Judge LeGrow to ask for a stay in said case, to allow time to formally repeal 7 **DE Admin. Code** 2102, pursuant to Delaware's Administrative Procedures Act. On February 1, 2017, Judge LeGrow agreed that it was procedurally premature to issue an order voiding 7 **DE Admin. Code** 2102, and granted the stay. Judge LeGrow further held that once DNREC had completed the process to formally repeal its RPS Cost Cap Regulations, the Court would dismiss DPA's appeal as moot at that time.

The Department has the statutory basis and legal authority to act with regard to the proposed repeal of 7 **DE Admin. Code** 2102, pursuant to 29 **Del.C.** §8003(7). The repeal of an existing regulation requires the same public process as either adopting or amending an existing regulation. Thus, the Department's Division of Energy and Climate commenced its regulatory repeal of 7 **DE Admin. Code** 2102 with the approval of SAN No. 2017-02, signed by then DNREC Secretary David Small on February 10, 2017. Accordingly, the proposed regulatory repeal of 7 **DE Admin. Code** 2102 (illustrated as a strike-through of the entire existing regulatory text) was published in the Delaware *Register of Regulations* on March 1, 2017, and a public hearing was held on March 22, 2017. Consistent with 29 **Del.C.** §10118(a), the public hearing record remained open for public comment through April 7, 2017.

Members of the public attended the March 22, 2017 public hearing, and comment was received by the Department throughout the course of this regulatory process, all of which voiced support for the formal repeal of 7 **DE Admin. Code** 2102. It should be noted that all proper notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Hearing Officer Vest prepared a Hearing Officer's Report dated June 15, 2017 ("Report"). The Report documents the proper completion of the required regulatory amendment process, establishes the record, and recommends the formal repeal of 7 **DE Admin. Code** 2102: *Implementation of the Renewable Energy Portfolio Standards Cost Cap Revisions* as attached to the Report as Appendix "B".

Reasons and Conclusions

Based on the record developed by the Department's experts and established by the Hearing Officer's Report, I find that the proposed regulatory repeal of 7 **DE Admin. Code** 2102: *Implementation of the Renewable Energy Portfolio Standards Cost Cap Revisions*, is well-supported. Therefore, the recommendations of the Hearing Officer are hereby adopted, and I direct that the proposed regulatory repeal be promulgated as final.

I find that the Department's experts in the Division of Energy and Climate fully developed the record to support adoption of this regulatory repeal. The repeal of 7 **DE Admin. Code** 2102: *Implementation of the Renewable Energy Portfolio Standards Cost Cap Revisions* will allow Delaware to be consistent with the State of Delaware Public Service Commission ("PSC") Regulation No. 3008, *Rules and Procedures to Implement the Renewable Energy Portfolio Standard*, and to be compliant with a recent commitment made to Delaware Superior Court Judge Abigail LeGrow in the matter of *DPA v. DNREC*.

In conclusion, the following reasons and conclusions are entered:

1. The Department has the statutory basis and legal authority to act with regard to the proposed regulatory repeal to 7 **DE Admin. Code** 2102: *Implementation of the Renewable Energy Portfolio Standards Cost Cap Revisions*, pursuant to 29 **Del.C.** §8003(7);
2. The Department has jurisdiction under its statutory authority, pursuant to 29 **Del.C.** §8003(7), to issue an Order adopting the proposed repeal of 7 **DE Admin. Code** 2102 as final;
3. The Department provided adequate public notice of the proposed regulatory repeal and all proceedings in a manner required by the law and regulations, provided the public with an adequate opportunity to comment on the proposed regulatory repeal, including at the time of the public hearing held on March 22, 2017, and held the record open through close of business on April 7, 2017, consistent with 29 **Del.C.** §10118(a), in order to consider public comment on the proposed regulatory repeal before making any final decision;
4. The Department's Hearing Officer's Report, including its established record and the recommended proposed regulatory repeal as set forth in Appendix "B", are hereby adopted to provide additional reasons and findings for this Order;
5. The proposed regulatory repeal of 7 **DE Admin. Code** 2102: *Implementation of the Renewable Energy*

Portfolio Standards Cost Cap Revisions, will enable the Department to be consistent with the State of Delaware Public Service Commission ("PSC") Regulation No. 3008, *Rules and Procedures to Implement the Renewable Energy Portfolio Standard*, and to be compliant with a recent commitment made to Delaware Superior Court Judge Abigail LeGrow in the matter of *DPA v. DNREC*;

6. The Department has reviewed these proposed regulatory repeal in the light of the Regulatory Flexibility Act, consistent with 29 **Del.C.** Ch. 104, and believes the same to be lawful, feasible and desirable, and that the recommendations as proposed should be applicable to all Delaware citizens equally;

7. The Department's proposed regulatory repeal, as published in the March 1, 2017 Delaware *Register of Regulations*, and as set forth in Appendix "B" as noted above, is adequately supported, is not arbitrary or capricious, and is consistent with the applicable laws and regulations. Consequently, it is approved as a final regulatory repeal, which shall go into effect ten days after its publication in the next available issue of the Delaware *Register of Regulations*; and

8. The Department shall submit this Order approving as final the proposed repeal of 7 **DE Admin. Code** 2102: *Implementation of the Renewable Energy Portfolio Standards Cost Cap Revisions* to the Delaware *Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require and the Department determines is appropriate.

Shawn M. Garvin
Secretary

***Please note that no changes were made to the regulation as originally proposed and published in the March 2017 issue of the *Register* at page 698 (20 DE Reg. 698). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

2102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

4400 DELAWARE MANUFACTURED HOME INSTALLATION BOARD

Statutory Authority: 24 Delaware Code, Section 4416(b)(1) (24 **Del.C.** §4416(b)(1))
24 **DE Admin. Code** 4400

ORDER

4400 Delaware Manufactured Home Installation Board

On March 1, 2017 the Delaware Board of Manufactured Home Installation published proposed changes to its regulations in the Delaware *Register of Regulations*, Volume 20, Issue 9. This notice indicated that written comments would be accepted by the Board for thirty days, a public hearing would be held, and written comments would be accepted for fifteen days thereafter. After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on April 10, 2017 at a regularly scheduled meeting of the Delaware Board of Manufactured Home Installation to receive verbal comments regarding the Board's proposed amendments to its regulations.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

At the time of the deliberations, the Board considered the following documents:

Board Exhibit 1 - Affidavit of publication of the public hearing notice in the *News Journal*; and

Board Exhibit 2 - Affidavit of publication of the public hearing notice in the *Delaware State News*.

There was no verbal testimony given at the public hearing on April 10, 2017. 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 29 **Del.C.** §10118(a) second public comment period.

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 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.** §4416(b)(1) the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The majority of the proposed changes are changes of an administrative nature.
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 rules and regulations.
6. Having received no public comments, the Board finds no reason not to amend the regulations as proposed.

DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, pursuant to 24 **Del.C.** §4416(b)(1) and for the reasons set forth above, the Board of Manufactured Home Installation does hereby ORDER that the regulations be, and that they hereby are, adopted and promulgated as set forth in the Delaware *Register of Regulations* on March 1, 2017. The effective date of this Order is ten days from the date of its publication in the Delaware *Register of Regulations*, pursuant to 29 **Del.C.** §10118(g).

The new regulations are attached hereto as Exhibit A.

SO ORDERED this 10th day of July, 2017.

DELAWARE BOARD OF MANUFACTURED HOME INSTALLATION

Richard Snyder

Floyd Ridgway

John Starke

Keith Rudy (absent)

Adam Rones

Valarie Lacey (absent)

Barbara Williams

***Please note that no changes were made to the regulation as originally proposed and published in the March 2017 issue of the *Register* at page 710 (20 DE Reg. 710). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

4400 Delaware Manufactured Home Installation Board

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)

Delaware Diamond State Health Plan 1115 Demonstration Waiver Amendment

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) intends to submit two requests to the Centers for Medicare and Medicaid Services (CMS) to amend Delaware's Section 1115 Diamond State Health Plan Demonstration Waiver.

Purpose

The purpose of this posting is to provide public notice and receive public input for consideration regarding Delaware's 1115 Diamond State Health Plan (DSHP) Waiver amendments. Delaware is proposing two amendments to the 1115 waiver that will be submitted to CMS at the same time. These amendments cover two separate populations. Amendment 1 addresses DDDS Lifespan Waiver enrollees in Managed Care. Amendment 2 addresses Out-of-State Former Foster Care Youth.

Background

Delaware's 1115 DSHP Waiver demonstration was initially approved in 1995, and implemented on January 1, 1996. The demonstration mandatorily enrolls eligible Medicaid recipients into managed care organizations (MCOs) to create efficiencies in the Medicaid program and enable the expansion of coverage to certain individuals who would otherwise not be eligible for Medicaid. Beginning January 1, 2014, DSHP expanded eligibility for individuals with incomes up to and including 133 percent of the Federal Poverty Level (FPL). The demonstration also provides long-term care services and support (LTSS) to eligible individuals through a mandated managed care delivery system, entitled DSHP-Plus. Beginning January 1, 2015, the state implemented Promoting Optimal Mental Health for Individuals through Supports and Empowerment (PROMISE), a voluntary program that provides enhanced behavioral health services and supports for targeted Medicaid beneficiaries.

Additionally, On May 25, 2017, CMS approved an amendment to Delaware's Home and Community-Based Services (HCBS) 1915(c) waiver that serves individuals with intellectual and developmental disabilities (IDD). The waiver was rebranded as the Divisions of Developmental Disability Services (DDDS) Lifespan Waiver and amended to allow Delaware to expand the waiver's target criteria to enroll individuals who live with their family. The amendment also added HCB services designed to meet the needs of families who support a loved one with intellectual and developmental disabilities in the family home.

Overview and Summary of Proposed 1115 DSHP Waiver Amendments

Proposed Amendment 1: DDDS Lifespan Waiver enrollees in Managed Care

Under the current design of the 1115 DSHP Waiver, individuals enrolled in the 1915(c) Lifespan Waiver are excluded from the 1115 waiver as a result of a state policy decision made at the time the 1115 waiver was implemented in 1996. All benefits for individuals enrolled in the 1915(c) Lifespan Waiver, both waiver and non-waiver, are paid as fee for service. When an individual enrolls in the 1915(c) Lifespan Waiver, they are dis-enrolled from the 1115 waiver and are, therefore, also dis-enrolled from their Managed Care Organization. Individuals who are not enrolled in the 1915(c) waiver but have a diagnosis of IDD and live in their homes or family home, are enrolled in the in the 1115 Waiver-Managed Care program. Under this amendment, Delaware desires to enable individuals to remain enrolled in the 1115 DSHP Waiver in order to receive their State Plan benefits from a managed care organization if they also choose to enroll in the DDDS Lifespan waiver. If Delaware does not amend

the 1115 waiver, new enrollees in the DDDS Lifespan 1915(c) waiver who have previously been enrolled in the 1115 waiver will be forced to dis-enroll from the Managed Care Organization. This amendment is needed to avoid unnecessarily disrupting the lives of prospective DDDS Lifespan waiver enrollees who live with their family. These individuals have established relationships with the Managed Care Organizations and their network of providers to whom they have become accustomed.

Proposed Amendment 2: Out-of-State Former Foster Care Youth

On November 21, 2016, CMS published the final rule clarifying that states can provide coverage to former foster care youth who were in Medicaid and foster care in a different state with income up to 133 percent of the federal poverty level (FPL) under the new adult group identified in the ACA. Additionally, states can use 1115 demonstration authority to provide coverage for former foster care youth who were in foster care under the responsibility of other states and have income higher than 133 percent of the FPL. States that provide coverage under the new adult group have the option of covering former foster care youth with MAGI-based income above 133 percent of the FPL, under the eligibility group described in section 1902(a)(10)(ii)(XX) of the Act and implementing regulations at 42 CFR 435.218.

Delaware currently provides coverage to former foster care youth under the age of 26, not otherwise mandatorily eligible, who were on Medicaid and in foster care in Delaware when they turned age 18 or "aged out" of foster care. Delaware also currently provides coverage to individuals with income up to 133 percent of FPL under the new adult group identified in the ACA. The purpose of this amendment is to provide coverage on a state-wide basis to former foster care youth who currently reside in Delaware and were in foster care and enrolled in Medicaid at age 18 or when they "aged out" of the system in a different state.

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 September 11, 2017. Comments may be submitted in the following ways:

This public notice and the Amendment are posted DHSS/DMMA website at: <http://dhss.delaware.gov/dhss/dmma/>

Comments and input may be submitted in the following ways:

By email: Nicole.M.Cunningham@state.de.us
By fax: 302-255-4413 to the attention of Nicole Cunningham
By mail: Nicole Cunningham
Division of Medicaid and Medical Assistance
Planning, Policy & Quality Unit
1901 North DuPont Highway
P.O. Box 906
New Castle, Delaware 19720-0906

Public Hearings

Notice will be published regarding the amendments in the August 1, 2017 Delaware *Register of Regulations*. The comment period begins on August 1, 2017 and ends on September 11, 2017.

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

GENERAL NOTICES

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

1. **NEW CASTLE COUNTY**

Date: August 25, 2017
TIME: 2:30 PM - 3:30 PM
LOCATION: DDDS Fox Run Center
2540 Wrangle Hill Road
Suite 200, Bear, DE 19701

2. **KENT COUNTY**

Date: August 22, 2017
TIME: 2:30 PM - 3:30 PM
LOCATION: Legislative Hall
411 Legislative Avenue
Dover, DE 19901

SUSSEX COUNTY

Date: August 22, 2017
TIME: 10:45 AM - 11:45 AM
LOCATION: Thurman Adams State Svc Center
546 S. Bedford St.
Georgetown, DE 19947

Any public feedback received will be summarized including any changes that will be made as a result of the public comment to the proposed 1115 DSHP Waiver Amendments that will be submitted to CMS.

If you require special assistance or auxiliary aids and/or services to participate in the public hearing (e.g., sign language or wheelchair accessibility), please call the following contact at least ten (10) days prior to the hearing for arrangements:

Lauren Gunton at (302) 255-9561

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

Stephen M. Groff
Director
Division of Medicaid and Medical Assistance

July 10, 2017
Date

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Mental Health Parity and Addiction Equity Act

Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is providing a public notice related to the state's plan to comply with new federal regulations governing the application of the Mental Health Parity and Addiction Equity Act (MHPAEA) to Medicaid and the Children's Health Insurance Program (CHIP).

Purpose

The purpose of this posting is to provide public notice and receive public input for consideration regarding Delaware's compliance with the final rule applying the Mental Health Parity and Addiction Equity Act (MHPAEA) to

coverage provided to Medicaid Managed Care Organization (MCO) enrollees and coverage provided by the Children's Health Insurance Program (CHIP) and Medicaid Alternative Benefit Plans (ABPs).

Overview

The Centers for Medicare & Medicaid Services (CMS) issued a final rule that applies MHPAEA requirements to Medicaid MCOs, CHIP, and ABPs. Delaware and contracted MCOs must comply with the final Medicaid/CHIP parity rule on or before October 2, 2017.

The final Medicaid/CHIP parity rule requires that coverage provided to MCO enrollees, CHIP beneficiaries, and ABP beneficiaries for mental health and substance use disorders be no more restrictive than coverage for medical/surgical conditions. This requirement applies to:

- Financial requirements (e.g., co-payments)
- Quantitative treatment limitations (e.g., unit, hour, day or visit limits)
- Non-quantitative treatment limitations (e.g., prior authorization, formulary design for prescription drugs, and provider network admission requirements)

For additional information about the CMS final Medicaid/CHIP parity rule, use the following link to the CMS website: <https://www.medicaid.gov/medicaid/benefits/bhs/index.html>

Public Comment Submission Process

DHSS/DMMA gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the final Medicaid/CHIP parity rule. The comment period begins on August 1, 2017 and ends on September 11, 2017.

Comments and input may be submitted in the following ways:

By email: Nicole.M.Cunningham@state.de.us
By fax: 302-255-4413 to the attention of Nicole Cunningham
By mail: Nicole Cunningham
Division of Medicaid and Medical Assistance
Planning, Policy & Quality Unit
1901 North DuPont Highway
P.O. Box 906
New Castle, Delaware 19720-0906

This notice shall appear for one (1) day only. Please identify in the subject line: Mental Health Parity and Addiction Equity Act.

Public Hearings

DHSS/DMMA will provide the following opportunities to the public to provide input on the proposed documentation of compliance with the Medicaid/CHIP parity rule in person. Three (3) public hearings are scheduled. The detailed information for each public hearing is shown below.

1. NEW CASTLE COUNTY

Date: August 25, 2017
TIME: 1:00 PM - 2:00 PM
LOCATION: DDDS Fox Run Center
2540 Wrangle Hill Road
Suite 200, Bear, DE 19701

GENERAL NOTICES

2. KENT COUNTY

Date: August 22, 2017
TIME: 1:00 PM - 2:00 PM
LOCATION: Legislative Hall
411 Legislative Avenue
Dover, DE 19901

SUSSEX COUNTY

Date: August 22, 2017
TIME: 9:30 AM - 10:30 AM
LOCATION: Thurman Adams State Svc Center
546 S. Bedford St.
Georgetown, DE 19947

The State will take verbal and written comments at the public hearings. The input provided will be used to formulate Delaware's final documentation of compliance with the Medicaid/CHIP parity rule, which will be posted on the DHSS/DMMA website.

If you require special assistance or auxiliary aids and/or services to participate in the public hearing (e.g., sign language or wheelchair accessibility), please call the following contact at least ten (10) days prior to the hearing for arrangements:

Lauren Gunton at (302) 255-9561

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

The state will post on the DMMA website the final documentation of compliance with the Medicaid/CHIP parity rule, with any modifications, by October 2, 2017.

Stephen M. Groff
Director
Division of Medicaid and Medical Assistance

July 10, 2017
Date

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, August 16, 2017** beginning at **1:30 p.m.** at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania. A business meeting will be held the following month on **Wednesday, September 13, 2017** beginning at **10:30 a.m.** The business meeting location could not be confirmed as of the deadline for this notice. The hearing and meeting are open to the public. For more information, including the business meeting location, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203 and pamela.bush@drbc.nj.gov.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, August 17, 2017 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF FINANCE
OFFICE OF UNCLAIMED PROPERTY, STATE ESCHEATOR
PUBLIC NOTICE**104 Department of Finance Abandoned or Unclaimed Property Reporting and Examination Manual**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 12 **Del.C.** §1132, the Delaware Department of Finance's Office of Unclaimed Property, State Escheator, proposes to revise and replace its regulations related to its Abandoned or Unclaimed Property Law.

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

David M. Gregor
State Escheator
Department of Finance
820 N. French St.
Wilmington, DE 19801

Notice may also be directed via electronic mail to david.gregor@state.de.us. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Department of Finance no later than **4:00 p.m. EST, Thursday, August 31, 2017**.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
Dental Fee Schedule

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Dental Rates, specifically, *to reduce dental service rates*.

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, Planning, Policy and Quality Unit,

CALENDAR OF EVENTS/HEARING NOTICES

Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by August 31, 2017. Please identify in the subject line: Dental Fee Schedule.

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 MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
Prescription Assistance

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Social Services Manual (DSSM) regarding Prescription Assistance, specifically, *to eliminate the Delaware Prescription Drug Payment Assistance Program.*

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by August 31, 2017. Please identify in the subject line: Prescription Assistance.

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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
PUBLIC NOTICE

1301 Regulations Governing Solid Waste

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to adopt federal requirements regarding the management of Coal Combustion Residuals (CCR), to modify outdated or obsolete solid waste regulations, to add clarifying language for Industrial Landfills, and to correct typographical errors.

The hearing record on the proposed changes to DRGSW will be open August 1, 2017. Individuals may submit written comments regarding the proposed changes via email to Alison.Kiliszek@state.de.us or via USPS to Alison Kiliszek, DNREC-SHWMS, 89 Kings Highway, Dover, DE 19901. A public hearing on the proposed amendments to DRGSW will be held on Wednesday, August 30, 2017 beginning at 6:00 p.m. in the DNREC Auditorium, located at the Richardson and Robbins Building, 89 Kings Highway, Dover, DE.

OFFICE OF THE SECRETARY
PUBLIC NOTICE

109 Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection

As a result of amendments to the Land Protection Act, effective August 3, 2016, the Guidelines to Evaluate Land Being Considered for Permanent Protection, last updated 12/7/16, currently being used by staff to support the Open Space Program must go through notice and public hearing pursuant to 29 **Del.C.** Ch. 101. The Regulations were published in the March 1, 2017 *Delaware Register of Regulations* and a public hearing was held on March 23, 2017. As a result of comments received for the public hearing, there has been some clarifying

language inserted in the Regulations and associated Guidelines.

The hearing record on the proposed amendments to the Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection will be re-opened August 1, 2017 for a 30-day public comment period ending close of business August 31, 2017. Individuals may submit written comments regarding the revisions to the proposed amendments via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES**DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING****PUBLIC NOTICE****101 DELACARE: Regulations for Early Care and Education and School-Age Centers**

The Office of Child Care Licensing (OCCL) proposes to amend Sections 4.0 and 60.1 of the DELACARE: Regulations for Early Care and Education and School-Age Centers to require each center to have a staff member on site at all times who is permitted to administer medications. Currently, Section 60.1 does not require an individual with a valid Administration of Medication certificate to be on site during all hours of operation. By amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principals of the Americans with Disabilities Act.

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on August 31, 2017.

**DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING****PUBLIC NOTICE****103 Regulations for Family and Large Family Child Care Homes**

The Office of Child Care Licensing (OCCL) proposes to amend Sections 4.0, 6.1.14.11, 14.4.13, and 33.1 of the DELACARE: Regulations for Family and Large Family Child Care Homes to require each home to have a staff member on site at all times who is permitted to administer medications. Currently, child care regulations require applicants or providers to have administration of medication certification only if they choose to give medications in their licensed child care home. By amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act.

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on August 31, 2017.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
3800 BOARD OF DIETETICS/NUTRITION
PUBLIC NOTICE

The Delaware Board of Dietetics/Nutrition, pursuant to 24 **Del.C.** §3805(1), proposes to revise its regulations. The proposed amendments to the regulations seek to clarify and provide more detailed information regarding the use of telehealth for the provision of dietetics and nutrition services.

The Board will hold a public hearing on the proposed rule change on November 10, 2017 at 1:30 p.m., in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to LaTonya Brown, Administrator of the Delaware Board of Dietetics/Nutrition, Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904. Written comments will be accepted until November 27, 2017.

DIVISION OF PROFESSIONAL REGULATION
5200 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §5206(1), the Delaware Board of Nursing Home Administrators has proposed revisions to its rules and regulations. The rules pertaining to crimes substantially related to the practice of nursing home administration are amended as well as provisions on examination.

A public hearing will be held on September 12, 2017 at 1 p.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Nursing Home Administrators, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del.C.** §10118(a) no later than September 28, 2017.
