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# Delaware Register of Regulations

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## IN THIS ISSUE:

Errata

Regulations:  
Proposed  
Final

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 May 15, 2024.

*Cover Photo*  
*Cape Henlopen*  
Dick Carter

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# INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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## DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.

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

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

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## 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.

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other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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

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

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3013 Rules for and Regulation of Community Energy Facilities.....	27 DE Reg.590(Prop.)
4001 Rules for the Provision of Telecommunications Services (Dockets 10 and 45).....	27 DE Reg.902(Final)
<b>DEPARTMENT OF TRANSPORTATION</b>	
<b>Division of Motor Vehicles</b>	
2226 Third Party Commercial Driver License Skills Testing.....	27 DE Reg. 35 (Prop.) 27 DE Reg.191(Final)
2266 Vehicle Document Fees.....	27 DE Reg. 94 (Prop.)
<b>Division of Transportation Solutions</b>	
1207 Electronic Speed Monitoring System.....	27 DE Reg.592(Prop.) 27 DE Reg.777(Final)
<b>OFFICE OF THE STATE TREASURER</b>	
<b>Delaware EARNS Program Board</b>	
Regulations Governing the Expanding Access for Retirement and Necessary Saving Program.....	27 DE Reg.667(Prop.) 27 DE Reg.903(Final)

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## DEPARTMENT OF STATE PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 209 and 1014(e) (26 **Del.C.** §§209(a)(1) & 1014(e))  
26 **DE Admin. Code** 3001

### ERRATA

#### **3001 Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities**

\* **Please Note:** The Department of State, Public Service Commission regulation, 26 **DE Admin. Code** 3001 Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities, was published as proposed in the *Delaware Register of Regulations*, 27 **DE Reg.** 585 (02/01/24). Subsections 3.1.1.1, 10.4.5.3, 11.5.1.2, 11.6.1, and 11.9.1 were inadvertently published incorrectly.

Subsection 3.1.1.1 was published as:

3.1.1.1 Notify the Customer customer of its intention to request ~~Customer~~ customer information from the EDC; and

Subsection 3.1.1.1 should have read:

3.1.1.1 Notify the ~~Customer~~ customer of its intention to request ~~Customer~~ customer information from the EDC; and

Subsection 10.4.5.3 was published as:

10.4.5.3 The ~~Supplier~~ electric supplier shall maintain records of such monitoring activities, results, and actions taken in response to the results of the monitoring activities and make such records available to the Commission ~~and/or~~ and the DPA upon request.

Subsection 10.4.5.3 should have read:

10.4.5.3 The ~~Supplier~~ electric supplier shall maintain records of such monitoring activities, results, and actions taken in response to the results of the monitoring activities and make such records available to the Commission ~~and/or~~ and the DPA upon request.

Subsection 11.5.1.2 was published as:

11.5.1.2 If using a ~~Variable Price, the Electric Supplier~~ variable price, the electric supplier shall factor in the ~~Variable Price~~ variable price and any other monthly fees and charges charged to the ~~Residential or Small Commercial Customer~~, and show in a table the Price per kWh for an average ~~Residential or Small Commercial Customer~~ residential customer or small commercial customers using 500, 1,000 and 2,000 kWh of electricity; and

Subsection 11.5.1.2 should have read:

11.5.1.2 If using a ~~Variable Price, the Electric Supplier~~ variable price, the electric supplier shall factor in the ~~Variable Price~~ variable price and any other monthly fees and charges charged to the ~~Residential or Small Commercial Customer~~ residential customer or small

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commercial customer, and show in a table the Price per kWh for an average ~~Residential or Small Commercial Customer~~ residential customer or small commercial customers using 500, 1,000 and 2,000 kWh of electricity; and

Subsection 11.6.1 was published as:

- 11.6.1 There are ~~three (3)~~ 3 principal ways in which an ~~Electric Supplier~~ electric supplier may obtain a ~~Residential or Small Commercial Customer's~~ authorization to enter into a ~~Contract for Electric Supply Service~~ contract for electric supply service:

Subsection 11.6.1 should have read:

- 11.6.1 There are ~~three (3)~~ 3 principal ways in which an ~~Electric Supplier~~ electric supplier may obtain a ~~Residential or Small Commercial Customer's~~ residential customer or small commercial customer's authorization to enter into a ~~Contract for Electric Supply Service~~ contract for electric supply service:

Subsection 11.9.1 was published as:

- ~~11.9.1~~ For electronic contracting on the internet, the ~~Electric Supplier's~~ electric supplier's website must be configured to prompt the ~~Residential or Small Commercial Customer~~ residential customer or small commercial customer to review and agree to the ~~Contract and Contract Summary~~ contract and contract summary before the ~~Contract~~ contract is final, and to print or save the ~~Contract and Contract Summary~~ contract and contract summary.

Subsection 11.9.1 should have read:

- ~~11.9.1~~ For electronic contracting on the internet, the ~~Electric Supplier's~~ electric supplier's website must be configured to prompt the ~~Residential or Small Commercial Customer~~ residential customer or small commercial customer to review and agree to the ~~Contract and Contract Summary~~ contract and contract summary before the ~~Contract~~ contract is final, and to print or save the ~~Contract and Contract Summary~~ contract and contract summary.

This regulation is corrected and being published as a final regulation in the June 2024 *Register*.

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**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.

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**DEPARTMENT OF EDUCATION****OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 122(a) and 151 (14 **Del.C.** §§122(a) & 151)  
14 **DE Admin. Code** 101

**PUBLIC NOTICE****Educational Impact Analysis Pursuant to 14 Del.C. §122(d)****101 State Assessment System****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 **Del.C.** §122(a) and §151, the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 101 State Assessment System. This regulation is being amended to align with the current assessment system.

The Department proposed amendments to this regulation April 1, 2024. Two comments were received which were not pertinent to the proposed amendments but were general questions regarding the state assessment system. The Department will respond directly to those entities.

A third comment was received which opposed the amendments made in 10.2.2.3 removing a 20-working day timeline related to investigations into potential test security incidents. The Department investigates testing violations pursuant to 14 **Del.C.** §1218 (a) (3). There are no timelines for how long DOE has to investigate alleged misconduct under this statute or any other type of investigation. The Department believes each investigation's timeline should be case-specific and not rushed due to a specific timeline. The Department did amend section 10.2.2.4 to further clarify the investigations process.

The Department did change the word "will" in 10.2.2.2 to a "may," as there may be times when the Office of Assessments determines that an incident may not rise to the level of an actual investigation.

Additionally, the Department realized that the word "not" had been inadvertently omitted from subsection 12.4.3.2 in the current regulation and in the version proposed April 1, 2024. The Department has included the word

"not" in this proposed amendment to ensure accuracy in the participation rate calculation for school and district accountability.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 1, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

### **C. IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation helps to improve student achievement as measured against state achievement standards by outlining the current state assessment system.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will 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 amended regulation does not directly address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' 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 amended 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 amended regulation does not place any unnecessary reporting or administrative requirements or mandates on decision makers.

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

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.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no material costs to implementing this amended regulation.

#### **\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 925RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 925 06-01-24.htm>



## OFFICE OF THE SECRETARY

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

### PUBLIC NOTICE

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

#### 288 Standards for Professional Learning

##### A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a New Regulation

##### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §122(a), the Delaware Department of Education ("Department") proposes the adoption of 14 DE Admin. Code 288 Standards for Professional Learning. The proposed regulation sets forth the professional learning standards for educators in Delaware public schools, how the standards are applied, and how the standards are enforced. The proposed evidence-based standards demonstrate that high-impact professional learning is an essential improvement lever for schools, empowering all educators to engage and teach every student in their schools and systems, and make it clear that the purpose of professional development is for educators to develop the knowledge, skill, practices, and dispositions they need to help students perform at higher levels.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

##### C. IMPACT CRITERIA

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation will help improve student achievement as measured against state achievement standards by setting forth professional learning standards for educators that are designed to help them develop the knowledge, skill, practices, and dispositions they need to help students perform at higher levels.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation will help ensure that all students receive an equitable education. All three frames of the standards address equity.

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The new regulation provides the professional learning standards for educators and is not designed to ensure all students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation provides the professional learning standards for educators and is not designed to ensure all students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new regulation maintains the authority and flexibility of decision-makers at the local board and school level.

6. Will the new 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 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 enforces regulations for the maintenance, administration, and supervision of public schools.

8. Will the new 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 new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

10. What is the cost to the state and to the local school boards of compliance with the new regulation? The new regulation concerns professional learning standards for educators. There is no cost to the state or local school boards for complying with the 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:**

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 927RFA 06-01-24.pdf>

## 288 Standards for Professional Learning

### 1.0 Content

Pursuant to 14 Del.C. §122(a), this regulation identifies the standards for professional learning that serve to connect professional learning and student learning and are based on Learning Forward's Standards for Professional Learning (2022). The standards are a comprehensive, research-based, field-informed framework that describe the conditions and characteristics of professional learning that leads to improved educator practice and students learning.

### 2.0 Definitions

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

**"Educator"** means a person who is licensed and certified by the Department to engage in the practice of instruction, administration, or other related professional support services, or who has been issued a permit to practice in Delaware public schools.

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

**"Professional learning"** means activities that are sustained, intensive, collaborative, job-embedded, data-driven, and classroom focused. Professional learning does not include stand-alone, 1-day, or short-term workshops.

### 3.0 Prerequisites for Professional Learning

3.1 The prerequisites before an educator engages in the frames in Section 5.0 are fundamental, necessary for effective learning, and reside where professional learning intersects with professional ethics.

3.2 The prerequisites for professional learning are set forth in subsections 3.2.1 through 3.2.4.

3.2.1 An educator's commitment to all students is the foundation of effective professional learning.

3.2.2 Each educator involved in professional learning comes to the experience ready to learn.

3.2.3 Because there are disparate experience levels and use of practice among educators, professional learning can foster collaborative inquiry and learning that enhances individual and collective performance.

3.2.4 Like all learners, educators learn in different ways and at different rates.

### 4.0 Framework of the Standards for Professional Learning

4.1 The framework of the standards consists of 3 frames: the rigorous content for each learner; transformational processes; and conditions for success frames.

4.2 Subsections 4.2.1 through 4.2.3 set forth the standards within each frame.

4.2.1 The standards within the rigorous content for each learner frame describe the essential content of adult learning that leads to improved student outcomes.

- 4.2.2 The standards within the transformational processes frame describe process elements of professional learning, explaining how educators learn in ways that sustain significant changes in their knowledge, skills, practices, and mindsets.
- 4.2.3 The standards within the conditions of success frame describe aspects of professional learning context, structures, and cultures that undergird high-quality professional learning.

## **5.0** **Frames**

- 5.1 The standards in subsections 5.1.1 through 5.1.3 are core constructs that outline the professional learning objective educators are required to attain within the rigorous content for each learner frame.
  - 5.1.1 Equity practices. Educators understand students' historical, cultural, and societal contexts, embrace student assets through instruction, and foster relationships with students, families, and communities.
  - 5.1.2 Curriculum, assessment, and instruction. Educators prioritize high-quality curriculum and instructional materials for students, assess student learning, and understand and implement curriculum through instruction. Curriculum includes the core instructional or curriculum materials, aligned assessments, scope and sequence frameworks to pace learning, lesson plans, and supplemental student materials to achieve learning goals.
  - 5.1.3 Professional expertise. Educators apply standards and research to their work, develop the expertise to their roles, and prioritize coherence and alignment in their learning.
- 5.2 The standards in subsections 5.2.1 through 5.2.4 are core constructs that outline the professional learning objective educators are required to attain within the transformational processes frame.
  - 5.2.1 Equity drivers. Educators prioritize equity in professional learning practices, identify and address their own biases and beliefs, and collaborate with diverse colleagues.
  - 5.2.2 Evidence. Educators create expectations and build capacity for use of evidence, leverage evidence, data, and research from multiple sources to place educator learning and measure and report the impact of professional learning.
  - 5.2.3 Learning designs. Educators set relevant and contextualized learning goals, ground their work in research and theories about learning, and implement evidence-based learning designs.
  - 5.2.4 Implementation. Educators understand and apply research on change management, engage in feedback processes, and implement and sustain professional learning.
- 5.3 The standards in subsections 5.3.1 through 5.3.4 are core constructs that outline the professional learning objective educators are required to attain within the conditions for success frame.
  - 5.3.1 Equity foundation. Educators establish expectations for equity, create structures to ensure equitable access to learning, and sustain a culture of support for all staff.
  - 5.3.2 Culture of collaborative inquiry. Educators engage in continuous improvement, build collaboration skills and capacity, and share responsibility for improving learning for all students.
  - 5.3.3 Leadership. Educators establish a compelling and inclusive vision for professional learning, sustain coherent support to build educator capacity, and advocate for professional learning by sharing the importance and evidence of impact of professional learning.
  - 5.3.4 Resources. Educators allocate resources for professional learning, prioritize equity in their resource decisions, and monitor the use and impact of resource investments.

## **6.0** **Applicability**

- 6.1 The Department applies the standards to guide and approve learning, facilitation, implementation, and evaluation of professional development or professional learning.
- 6.2 School districts and charter schools shall apply the standards to guide learning, facilitation, implementation, and evaluation of professional development or professional learning.

## **7.0** **Enforcement of Standards**

- Failure to apply this regulation could result in professional development or professional learning not being

approved or denied funding opportunities.

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**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 122(b)(22) and 1280 (14 **Del.C.** §§122(b)(22) and 1280)

14 **DE Admin. Code** 290

**PUBLIC NOTICE**

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

**290 Approval of Educator Preparation Programs**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendments to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 **Del.C.** §§122(b)(22) and 1280, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs. The regulation concerns the approval, modification, and review, probation, and revocation of educator preparation programs. The amendments include revising the title of the regulation and clarifying and updating the requirements for traditional educator preparation programs. In addition, Sections 8.0, 9.0 and 10.0 are proposed to be stricken. Language from the three sections is included in a new regulation, 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

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

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

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses requirements for traditional educator preparation programs and are not designed to help ensure all students' health and safety are adequately protected. Although traditional educator preparation programs are not required to include pedagogy courses related to child and adolescent development, the programs may include such courses, which would help to ensure students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses requirements for traditional educator preparation programs and are not designed to help ensure students' legal rights are respected. Although traditional educator preparation programs are not required to include courses that touch upon students' legal rights, the programs may offer such courses.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation addresses requirements for traditional educator preparation programs and does not change the authority or 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 regulations concerning the approval, modification, and review, probation, and revocation of traditional educator preparation programs.

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

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

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There are not additional expected costs to the state or to the local school boards of complying with this amended regulation.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 930RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 930 06-01-24.htm>

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**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 122(b)(22) and 1260-1266 (14 Del.C. §§122(b)(22) and 1260-1266)

**PUBLIC NOTICE**

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

**291 Alternative Routes to Certification (ARTC) Programs**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Adoption of New Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 Del.C. §§122(b)(22) and 1260 - 1266, the Delaware Department of Education ("Department") developed a new regulation, 14 DE Admin. Code 291 Alternative Routes to Certification (ARTC) Programs. The new regulation concerns the approval, modification, and review, probation, and revocation of alternative routes to certification (ARTC) programs for teachers and leaders. The new regulation includes language from Sections 8.0, 9.0 and 10.0 of 14 DE Admin. Code 290, which are simultaneously being proposed to be stricken.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

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

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

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The new regulation addresses requirements for ARTC programs and are not designed to help ensure all students' health and safety are adequately protected. Although ARTC programs are not required to include pedagogy courses related to child and adolescent development, the programs may include such courses, which would help to ensure students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation addresses requirements for ARTC programs and are not designed to help ensure students' legal rights are respected. Although ARTC programs are not required to include courses that touch upon students' legal rights, the programs may offer such courses.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new regulation addresses requirements for ARTC programs and does not change the authority or flexibility of decision makers at the local board and school level.

6. Will the new 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 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 regulations concerning the approval, modification, and review, probation, and revocation of ARTC programs.

8. Will the new 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, 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 new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

10. What is the cost to the state and to the local school boards of compliance with the new regulation? There are not additional expected costs to the state or to the local school boards of complying with this new regulation.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 931RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 931 06-01-24.htm>



## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b) and 1315 (14 Del.C. §§122(b) & 1315)  
14 DE Admin. Code 729

### PUBLIC NOTICE

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

#### 729 School Custodians

#### A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §122 (b) and 14 Del.C. §1315, the Secretary of Education intends to amend 14 DE Admin. Code 729 School Custodians. This regulation is being amended to update the custodial formula and to correct grammatical and style errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

The Department of Education published the proposed amendments in the *Register of Regulations* on May 1, 2024 with an incorrect public comment end date of August 1, 2024. The proposed amendments are being republished in the *Register of Regulations* on June 1, 2024 with the correct public comment end date of July 1, 2024.

Any and all comments received in response to the proposed amendments published on either May 1, 2024 or June 1, 2024 will be provided in the implementing regulatory order when published.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before July 1, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

#### C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will 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 amended regulation, by ensuring proper employment of school custodians, will help ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' 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 amended 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 amended regulation does not place any new reporting or administrative requirements or mandates on decision makers.

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



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.

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? The revisions to the regulations could increase the number of custodial units in schools, which would lead to increased costs in salary and related categories, and salary increases included in the state budget will increase costs.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 933RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 933 06-01-24.htm>

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**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 122(b)(22) and 406A (14 Del.C. §§122(b)(22) and 406A)

14 DE Admin. Code 815

**PUBLIC NOTICE**

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

**815 Health Examinations and Screening**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 Del.C. §§122(b)(2) and 406A, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 815 Health Examinations and Screening. The regulation sets forth the requirements for health examinations and screenings for students seeking to enroll or enrolled in Delaware public schools. The proposed amendments include adding a definition of oral health screening to Section 2.0 and adding subsection 4.4, which concerns oral health screenings. The proposed amendments are consistent with H.S. 1 for H.B. 83 of the 152nd General Assembly, which was signed into law on August 3, 2023 and effective for the 2024-2025 school year. In addition, the proposed amendments include adding Section 1.0, which specifies the statutory authority for and content of the regulation; revising Section 2.0; and clarifying subsection 4.3, which concerns lead screenings; and striking requirements that pertained to the 2021-2022 school year.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 1, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement

standards? The amended regulation addresses health examinations and screenings for students and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses health examinations and screenings for students and is not designed to help ensure that all students receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation will help to ensure all students' health and safety are adequately protected by adding oral health to the required screenings for students. Delaware's addition of oral health screenings to mandatory health examinations is a proactive step to identify and address dental issues early, ensuring better health outcomes for students. Recognizing oral health as vital to overall wellness, this amendment reflects the state's commitment to holistic well-being and equitable school health services.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses health examinations and screenings for students and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change the authority and flexibility of decision makers at the local board and school level. The proposed changes are a result of H.S. 1 for H.B. 83 of the 152nd General Assembly, which was signed into law on August 3, 2023 and effective for the 2024-2025 school year.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The proposed changes are a result of H.S. 1 for H.B. 83 of the 152nd General Assembly, which was signed into law on August 3, 2023 and effective for the 2024-2025 school year.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements regulations governing the protection of the health and physical welfare of public school students in Delaware.

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

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

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

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 934RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 934 06-01-24.htm>

**PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b) & 1220)  
14 **DE Admin. Code** 1531

**PUBLIC NOTICE****Educational Impact Analysis Pursuant to 14 Del.C. §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**

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher. The regulation concerns the requirements for a Middle Level English Language Arts Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, and striking subsection 5.3.3. The revisions to subsection 4.1.1.5 and striking subsection 5.3.3 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, the definition of "Regionally Accredited" in Section 2.0 has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies and the term "Employing Authority" has been revised to eliminate a redundant phrase.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

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

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

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level English Language Arts Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 licensure and certification of educators.

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

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

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

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 936RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 936 06-01-24.htm>

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**PROFESSIONAL STANDARDS BOARD**

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

14 DE Admin. Code 1532

**PUBLIC NOTICE**

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

**1532 Middle Level Mathematics Teacher**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1532 Middle Level Mathematics Teacher. The regulation concerns the requirements for a Middle Level Mathematics Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, and striking subsection 5.3.3. The revisions to subsection 4.1.1.5 and striking subsection 5.3.3 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, the definition of "Regionally Accredited" in Section 2.0 has been revised based on the changes the U.S.

Department of Education made to its recognition of accrediting bodies and the term "Employing Authority" has been revised to eliminate a redundant phrase.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

### **C. IMPACT CRITERIA**

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

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

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level Mathematics Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 licensure and certification of educators.

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

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

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

#### **\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 937RFA 06-01-24.pdf>

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



regulation is available at:

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 937 06-01-24.htm>

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## PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b) & 1220)  
14 DE Admin. Code 1533

### PUBLIC NOTICE

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

#### 1533 Middle Level Science Teacher

#### A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1533 Middle Level Science Teacher. The regulation concerns the requirements for a Middle Level Science Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, and striking subsection 5.3.3. The revisions to subsection 4.1.1.5 and striking subsection 5.3.3 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, the definition of "Regionally Accredited" in Section 2.0 has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies and the term "Employing Authority" has been revised to eliminate a redundant phrase.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

#### C. IMPACT CRITERIA

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

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

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. § 1224), a school district or charter school may request that the

Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level Science Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 licensure and certification of educators.

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

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

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

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 939RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 939 06-01-24.htm>

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## PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b) & 1220)  
14 DE Admin. Code 1534

### PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §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

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1534 Middle Level Social Studies Teacher. The regulation concerns the requirements for a Middle Level Social Studies Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 4.1.1.5, which concerns the requirements for an



applicant who has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, and striking subsection 5.3.3. The revisions to subsection 4.1.1.5 and striking subsection 5.3.3 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, the definition of "Regionally Accredited" in Section 2.0 has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies and the term "Employing Authority" has been revised to eliminate a redundant phrase and the minimum score requirement in subsection 4.1.2 has been revised to be consistent with surrounding states' requirements.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

### **C. IMPACT CRITERIA**

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

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

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level Social Studies Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 licensure and certification of educators.

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

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

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

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 940RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 940 06-01-24.htm>

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**PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b) & 1220)  
14 DE Admin. Code 1539

**PUBLIC NOTICE**

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

**1539 Health Education Teacher****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1539 Health Education Teacher. The regulation concerns the requirements for a Health Education Teacher Standard Certificate in accordance with 14 Del.C. §1220.

The Board initially proposed to amend 14 DE Admin. Code 1539 Health Education Teacher on March 1, 2024. The proposed amendments included adding new subsections 4.1.4 and 4.2.2, which would have required an applicant to complete at least 30 hours of health education professional development provided by the Department unless the applicant completed at least 6 credits in teaching health and are intended to help address that there are not any health education programs in the State. The Board received comments from Stephanie Ingram and Jon Neubauer on behalf of the Delaware State Education Association; Jason Cameron on behalf of the Delaware Association of School Personnel Administrators; and Tammy Croce on behalf of the Delaware Association of School Administrators who each commented in opposition to the proposed new subsections. On April 11, 2024, the Board considered the comments and withdrew the proposed regulation that was published on March 1, 2024.

On May 2, 2024, the Board voted to propose amendments to 14 DE Admin. Code 1539 Health Education Teacher without the addition of the previously proposed subsections 4.1.4 and 4.2.2. The proposed amendments in this regulation include revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, and striking subsection 5.3.3. The revisions to subsection 4.1.1.5 and striking subsection 5.3.3 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, the definition of "Regionally Accredited" in Section 2.0 has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies and the term "Employing Authority" has been revised to eliminate a redundant phrase.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

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

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

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Health Education Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 licensure and certification of educators.

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

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

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

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 942RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 942 06-01-24.htm>

**PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b) & 1220)  
14 **DE Admin. Code** 1564

**PUBLIC NOTICE****Educational Impact Analysis Pursuant to 14 Del.C. §122(d)****1564 Physical Education Teacher****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1564 Physical Education Teacher. The regulation concerns the requirements for a Physical Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220.

The Board initially proposed to amend 14 **DE Admin. Code** 1564 Physical Education Teacher on March 1, 2024. The proposed amendments included adding new subsections 4.1.4 and 4.2.2, which would have required an applicant to complete at least 30 hours of physical education professional development provided by the Department unless the applicant completed at least 6 credits in teaching physical education. The Board received comments from Stephanie Ingram and Jon Neubauer on behalf of the Delaware State Education Association; Jason Cameron on behalf of the Delaware Association of School Personnel Administrators; and Tammy Croce on behalf of the Delaware Association of School Administrators who each commented in opposition to the proposed new subsections. On April 11, 2024, the Board considered the comments and withdrew the proposed regulation that was published on March 1, 2024.

On May 2, 2024, the Board voted to propose amendments to 14 **DE Admin. Code** 1564 Physical Education Teacher without the addition of the previously proposed subsections 4.1.4 and 4.2.2. The proposed amendments in this regulation include revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, and striking subsection 5.3.3. The revisions to subsection 4.1.1.5 and striking subsection 5.3.3 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, the definition of "Regionally Accredited" in Section 2.0 has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies and the term "Employing Authority" has been revised to eliminate a redundant phrase.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

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

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

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students'

health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Physical Education Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 licensure and certification of educators.

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

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

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

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 944RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 944 06-01-24.htm>

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**PROFESSIONAL STANDARDS BOARD**

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

**14 DE Admin. Code 1598**

**PUBLIC NOTICE**

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

**1598 Delaware Professional Development Standards**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Repeal of Existing Regulation



## B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), proposes to repeal 14 **DE Admin. Code** 1598 Delaware Professional Development Standards. The Department is proposing to adopt a new regulation, 14 **DE Admin. Code** 288 Standards for Professional Learning, which sets forth the professional learning standards for educators in Delaware public schools, how the standards are applied, and how the standards are enforced.

In accordance with 14 **Del.C.** §122(d), the Department is required to perform and issue a written educational impact analysis of any new proposed regulation and of any regulation that is proposed to be continued. Because this regulation is proposed to be repealed, the Department is not required to perform and issue a written educational impact analysis.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 945RFA 06-01-24.pdf>

### 1598 Delaware Professional Development Standards

#### 4.0 Content

- 4.1 ~~Learning Forward, formerly known as the National Staff Development Council, adopted updated Standards for Professional Learning that connect professional learning and student learning. The standards acknowledge that all educators have a responsibility to learn in order to improve student performance.~~
- 4.2 ~~In accordance with 14 **Del.C.** §1205(b), the *Standards For Professional Learning* (Learning Forward, 2011) are hereby incorporated by reference and adopted as Delaware's Professional Development Standards. Learning Forward's Standards shall serve as the foundation for professional development for all Delaware educators, and as indicators that guide the learning, facilitation, implementation, and evaluation of professional learning. The standards make explicit that the purpose of professional development is for educators to develop the knowledge, skills, practices, and dispositions they need to help students perform at higher levels.~~
- 4.3 ~~A summary of the Standards is set forth within. In-depth descriptions, contextual explanations, examples and more specific criteria and guidance are provided in the complete set of standards as published in *Standards For Professional Learning* (Learning Forward, 2011).~~

#### 2.0 Prerequisites for Professional Learning

- 2.1 ~~The following prerequisites are fundamental, necessary for effective learning, and reside where professional learning intersects with professional ethics:~~
- 2.2 ~~An Educator's commitment to all students is the foundation of effective professional learning.~~
- 2.3 ~~Each educator involved in professional learning comes to the experience ready to learn.~~
- 2.4 ~~Because there are disparate experience levels and use of practice among educators, professional learning can foster collaborative inquiry and learning that enhances individual and collective performance.~~
- 2.5 ~~Like all learners, educators learn in different ways and at different rates.~~

#### 3.0 Learning Communities

- 3.1 Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.
- 3.2 Professional learning within communities requires continuous improvement, promotes collective responsibility, and supports alignment of individual, team, school, and school system goals.
- 3.3 Learning communities convene regularly and frequently during the workday to engage in collaborative professional learning to strengthen their practice and increase student results.
- 3.4 Learning community members are accountable to one another to achieve the shared goals of the school and school system and work in transparent, authentic settings that support their improvement.

## 4.0 Leadership

- 4.1 Professional learning that increases educator effectiveness and results for all students requires skillful leaders who develop capacity, advocate, and create support systems for professional learning.
- 4.2 Leaders throughout the pre-K-12 education community recognize effective professional learning as a key strategy for supporting significant school and school system improvements to increase results for all students.
- 4.3 Whether they lead from classrooms, schools, school systems, technical assistance agencies, professional associations, universities, or public agencies, leaders develop their own and others' capacity to learn and lead professional learning, advocate for professional learning, provide support systems, and distribute leadership and responsibility for professional learning effectiveness and results.

## 5.0 Resources

- 5.1 Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring, and coordinating resources for educator learning.
- 5.2 Effective professional learning requires human, fiscal, material, technology, and time resources to achieve student learning goals.
- 5.3 How resources are allocated for professional learning can overcome inequities and achieve results for educators and students. The availability and allocation of resources for professional learning affect its quality and results.
- 5.4 Understanding the resources associated with professional learning and actively and accurately tracking them facilitates better decisions about and increased quality and results of professional learning.

## 6.0 Data

- 6.1 Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning.
- 6.2 Data from multiple sources enrich decisions about professional learning that leads to increased results for every student. Multiple sources include both quantitative and qualitative data, such as common formative and summative assessments, performance assessments, observations, work samples, performance metrics, portfolios, and self-reports.
- 6.3 The use of multiple sources of data offers a balanced and more comprehensive analysis of student, educator, and system performance than any single type or source of data can.
- 6.4 Thorough analysis and ongoing use are essential for data to inform decisions about professional learning, as is support in the effective analysis and use of data.

## 7.0 Learning Designs

- 7.1 Professional learning that increases educator effectiveness and results for all students integrates theories, research, and models of human learning to achieve its intended outcomes.

- 7.2 ~~Integrating theories, research, and models of human learning into the planning and design of professional learning contributes to its effectiveness.~~
- 7.3 ~~Several factors influence decisions about learning designs, including the goals of the learning, characteristics of the learners, their comfort with the learning process and one another, their familiarity with the content, the magnitude of the expected change, educators' work environment, and resources available to support learning.~~
- 7.4 ~~The design of professional learning affects its quality and effectiveness.~~

## 8.0 Implementation

- 8.1 ~~Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long-term change.~~
- 8.2 ~~The primary goals for professional learning are changes in educator practice and increases in student learning. The process occurs over time and requires support for implementation to embed the new learning into practices.~~
- 8.3 ~~Effective professional learning is achieved by applying findings from change process research to support long-term change in practice by extending learning over time.~~
- 8.4 ~~Effective professional learning integrates a variety of supports for individuals, teams, and schools.~~
- 8.5 ~~Constructive feedback and reflection should be integrated in implementation to support continuous improvement in practice that allows educators to move along a continuum from novice to expert through application of their professional learning.~~

## 9.0 Outcomes

- 9.1 ~~Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.~~
- 9.2 ~~For all students to learn, educators and professional learning must be held to high standards.~~
- 9.3 ~~Professional learning that increases results for all students addresses the learning outcomes and performance expectations education systems designate for students and educators.~~
- 9.4 ~~When the content of professional learning integrates student curriculum and educator performance standards, the link between educator learning and student learning becomes explicit, increasing the likelihood that professional learning contributes to increased student learning.~~
- 9.5 ~~When systems increase the stakes for students by demanding high, equitable outcomes, the stakes for professional learning increase as well.~~

## 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

#### CHIP Vaccines

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XXI CHIP State Plan Sections 1, 6 and 9, specifically, is to provide an attestation to the CMS assuring that DMMA covers all age-appropriate vaccines for children enrolled in CHIP.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of



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Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2024. Please identify in the subject line: CHIP Vaccines

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 Title XXI CHIP State Plan regarding CHIP Vaccines.

### Statutory Authority

- 42 CFR § 457.410(b)(2)
- 42 CFR § 457.520(b)(4)
- Inflation Reduction Act (IRA) Section 11405(b)(1)

### Background

Section 11405(b)(1) of the IRA requires states with separate CHIPs that include coverage for adults to provide coverage and payment for approved adult vaccines recommended by the Advisory Committee on Immunization Practices (ACIP), and their administration, without cost sharing. Current regulations at 42 CFR § 457.410(b)(2) and 457.520(b)(4) require states to cover age-appropriate vaccines and their administration in accordance with the recommendations of the ACIP without cost sharing. The state provided the necessary assurances to demonstrate compliance with both requirements.

### Summary of Proposal

#### *Purpose*

The purpose of this proposed regulation is to provide an attestation to the CMS assuring that DMMA covers all age-appropriate vaccines for children enrolled in CHIP.

#### *Summary of Proposed Changes*

Effective October 1, 2023, the DHSS/DMMA proposes to amend Title XXI CHIP State Plan regarding CHIP Vaccines, specifically, to provide an attestation assuring that DMMA covers all age-appropriate vaccines for children enrolled in CHIP.

#### *Public Notice*

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2024.

#### *Centers for Medicare and Medicaid Services Review and Approval*

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

#### *Provider Manuals and Communications Update*

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to

distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

## Fiscal Impact

There is no anticipated fiscal impact.

## \*Please Note:

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 948RFA 06-01-24.pdf>

(2) Due to formatting of certain amendments to the regulation, they are not being published here. Copies of the document is available at:

<https://regulations.delaware.gov/register/june2024/proposed/CHIP State Plan Amended.pdf>

## DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

### PUBLIC NOTICE

#### Imported Drugs

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 Del.C. §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan Attachment 3.1-A page 5, specifically, to allow the importation of FDA unapproved medications for drugs that are currently in shortage as determined by FDA/ASHP.

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 and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2024. Please identify in the subject line: Imported Drugs

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 Title XIX Medicaid State Plan regarding Imported Drugs.

#### Statutory Authority

- 42 CFR 440.120
- Section 1905(a)(12) of the Social Security Act

#### Background

This update is required to allow the State of Delaware to apply for the Federal Match for medications that are being imported for an FDA/ASHP declared shortage of an outpatient medication.

#### Summary of Proposal

##### *Purpose*

The purpose of this proposed regulation is to allow the importation of FDA unapproved medications for drugs that are currently in shortage as determined by FDA/ASHP.

### *Summary of Proposed Changes*

Effective August 1, 2024, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan regarding the medications that are not FDA approved to meet outpatient needs that have been created by a drug supply issue in the United States.

### *Public Notice*

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 1, 2024.

### *Centers for Medicare and Medicaid Services Review and Approval*

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

### *Provider Manuals and Communications Update*

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

### **Fiscal Impact**

	Federal Fiscal Year 2024	Federal Fiscal Year 2025
General (State) funds	\$10,000	\$50,000
Federal funds	\$10,000	\$50,000

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 950RFA 06-01-24.pdf>

Revision: HCFA-PM-85-3 (BERC)

May 1985

Attachment

3.1-A

Page 5

OMB-No. 0938-0193

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

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

### **12.a. Prescribed Drugs:**

#### **Drug Coverage**

1) Drug products are covered when prescribed or ordered by a physician, or other licensed practitioner within the

# PROPOSED REGULATIONS

scope of their practice and when obtained from a licensed pharmacy. When required by state or federal law DMMA members may request coverage of FDA approved medications, distributed by a CMS rebate participating labeler, without a prescription. Covered drugs, as defined in Section 1927(k)(2) of the Act, are those which are prescribed for a medically accepted indication, medically necessary, and produced by any pharmaceutical manufacturer, which has entered into and complies with a drug rebate agreement under Section 1927(a) of the Act.

2) The State will cover agents when used for cosmetic purposes or hair growth only when the state has determined that use to be medically necessary.

The State will cover drugs indicated for the treatment of obesity to address weight loss with co-morbid conditions with prior authorization.

3) Drugs excluded from coverage by Delaware Medicaid as provided by Section 1927(d)(2) of the Act, include:

- a. Drugs designated less than effective by the FDA (DESI drugs) or which are identical, similar, or related to such drugs;
- b. Drugs when used to promote fertility;
- c. Drugs that have an investigational or experimental or unproven efficacy or safety status;
- d. Drugs when used for anorexia, weight gain, or weight loss for the sole purpose of cosmetic reasons.

4) Non-covered services also include: drugs used to correct sexual dysfunction and compound drugs (compound prescriptions must include at least one medication that on its own would be a covered entity).

5) Drug Shortages- Prescribed Drugs that are not covered outpatient drugs (including drugs authorized for import by the Food and Drug Administration are covered when medically necessary during drug shortages identified by at least one of the following:

- a. The United States Food and Drug Administration (US FDA)
- b. The American Society of Health System Pharmacists (ASHP)

Quantity and Duration

1. Dosage limits: Medications are limited to a maximum dose recommended by the FDA and appropriate medical compendia described in section 1927(k) of the Social Security Act, that indicate that doses that exceed FDA guidelines are both safe and effective or doses that are specified in regional or national guidelines published by established expert groups such as the American Academy of Pediatrics, or guidelines recommended by the Delaware Medicaid Drug Utilization Review (DUR) Board and accepted by the DHSS Secretary.

TN No. SPA # 19-009 24-0010

Approval Date ~~September 14, 2022~~

Supersedes

TN No. # ~~17-005~~ 19-009

Effective Date ~~October 1, 2019~~ August 1, 2024

## DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 7406 (16 Del.C. §7406)  
16 DE Admin. Code 4465

### PUBLIC NOTICE

#### 4465 Delaware Radiation Control Regulations

Pursuant to 16 Del.C. §7406, the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the Delaware Radiation Control Regulation and intends to hold it open for public comment per Delaware law. The revisions include:

- Adding definitions in Part A;
- Amending definitions in Part F; and
- Additional formatting and technical changes.

Copies of the proposed regulations are available for review in the June 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Comments will be accepted until 4:30 p.m. on Monday, July 1, 2024, in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:

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

**\*Please Note:**

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

[https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 952RFA 06-01-24.pdf](https://regulations.delaware.gov/register/june2024/proposed/27%20DE%20Reg%20952RFA%2006-01-24.pdf)

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

[https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 952 06-01-24.htm](https://regulations.delaware.gov/register/june2024/proposed/27%20DE%20Reg%20952%2006-01-24.htm)

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## DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 7406 (16 Del.C. §7406)  
16 DE Admin. Code 4466

### PUBLIC NOTICE

#### **4466 Radiation Technologists/Technicians (Certification)**

Pursuant to 16 Del.C. §7406, the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the Radiation Technologists/Technicians (Certification) Regulation and intends to hold it open for public comment per Delaware law. The revisions include:

- Amending definitions;
- Amending legal titles;
- Amending certification fees; and
- Additional technical changes.

Copies of the proposed regulations are available for review in the June 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Comments will be accepted until 4:30 p.m. on Monday, July 1, 2024, in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:

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

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 953RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 953 06-01-24.htm>

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**DEPARTMENT OF LABOR**  
**DIVISION OF PAID LEAVE**

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

**PUBLIC NOTICE**

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

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 19 Del.C. §105, the Delaware Department of Labor ("Department"), Division of Paid Leave ("Division") proposes to introduce amendments to its regulation that is intended to implement the Paid Family Medical Leave ("PFML") insurance program authorized by the Healthy Delaware Families Act of 2022 (the "Act"). The proposed amendments focus on the job retaliation and anti-discrimination provisions of the Act and outlines the way in which the Division will address erroneous payments. The proposed amendments also revise the regulation to align with the capabilities of Delaware LaborFirst, the Division's online administrative portal, and cleans-up some errors in the prior language, such as duplications and inadvertent conflicts between provisions.

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

Christopher Counihan  
Division Director, Division of Paid Leave  
Delaware Department of Labor  
4425 North Market Street, 4th Floor  
Wilmington, DE 19802

Comments may also be directed via electronic mail to [PFML@Delaware.gov](mailto:PFML@Delaware.gov). Any written submission in response to this notice and relevant to the proposed regulations must be received by the above contact at the Delaware Department of Labor no later than 4:00 p.m. EST, on July 1, 2024. The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 954RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 954 06-01-24.htm>

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**DEPARTMENT OF STATE  
DIVISION OF PROFESSIONAL REGULATION****Board of Nursing**

Statutory Authority: 24 Delaware Code, Section 1904(c) (24 **Del.C.** §1904(c))  
24 **DE Admin. Code** 1900

**PUBLIC NOTICE****1900 Board of Nursing**

The Delaware Board of Nursing, pursuant to 24 **Del.C.** §1904(c), proposes to revise its regulations to clarify when a nurse is eligible for a supervised practice plan, clarify the types of abortions APRNs may perform, and ensure that nurses advise the Board of changes to their email address.

The Board will hold a public hearing on the proposed regulation changes on July 10, 2024 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until July 25, 2024 pursuant to 29 **Del.C.** § 10118(a).

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 955RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 955 06-01-24.htm>

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**DIVISION OF PROFESSIONAL REGULATION  
Board of Pharmacy**

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

**PUBLIC NOTICE****2500 Board of Pharmacy**

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy ("Board") has proposed revisions to its Rules and Regulations. First, the Board proposes to amend subsection 5.1.6, pertaining to compounding, to state that the definition of "compounding" does not include flavoring of conventionally manufactured medications provided that the flavors used are inert, tested, and do not alter a medication's concentration beyond USP's accepted level of variance. A new Section 21.0 is added in response to significant concerns in the State of Delaware concerning work conditions for pharmacists in the retail setting. The new Section 21.0 provides that the pharmacy permit holder will be responsible for ensuring a safe work environment, including proper staffing, equipment, and training, to ensure the health, safety, and welfare of patients. Pharmacists will be afforded appropriate breaks and not be subject to production quotas. Correspondingly, subsection 3.8, concerning pharmacy technician support, has been moved to the new Section 21.0. Finally, a new Section 22.0 has been added to set forth the parameters where a pharmacist may decline to fill a prescription based on professional judgment. Accordingly, subsection 3.1.2.4, addressing the right to refuse to fill a prescription on religious, moral, or ethical grounds, has been revised.



A public hearing will be held on June 26, 2024 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [christine.mast@delaware.gov](mailto:christine.mast@delaware.gov).

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be July 11, 2024. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 955aRFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 955a 06-01-24.htm>

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**DIVISION OF PROFESSIONAL REGULATION**

**EXAMINING BOARD OF PHYSICAL THERAPISTS AND ATHLETIC TRAINERS**

Statutory Authority: 24 Delaware Code, Section 2604(a)(1) (24 Del.C. §2604(a)(1))  
24 DE Admin. Code 2600

**PUBLIC NOTICE**

**2600 Examining Board of Physical Therapists and Athletic Trainers**

Pursuant to 24 Del.C. §2604(a)(1), the Delaware Examining Board of Physical Therapists and Athletic Trainers ("Board") has proposed revisions to its Rules and Regulations. The Board proposes to amend Section 11.0, pertaining to reactivation and reinstatement of licenses. The revisions specify the requirements that must be met after 12 months of inactive or expired status to ensure practitioner competence.

A public hearing will be held on July 23, 2024 at 4:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Examining Board of Physical Therapists and Athletic Trainers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [jessica.lobaccaro@delaware.gov](mailto:jessica.lobaccaro@delaware.gov).

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be **August 7, 2024**. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 956RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 956 06-01-24.htm>

## DIVISION OF PROFESSIONAL REGULATION

### Council on Real Estate Appraisers

Statutory Authority: 24 Delaware Code, Section 4006(a)(1) (24 Del. C. §4006(a)(1))  
24 DE Admin. Code 2930

#### PUBLIC NOTICE

#### 2930 Council on Real Estate Appraisers

Pursuant to 24 Del.C. §4006(a)(1), the Delaware Council on Real Estate Appraisers ("Council") has proposed revisions to its Rules and Regulations. The Council proposes these amendments to advance its primary objective, which is to protect the general public, specifically those persons who are the direct recipients of real estate appraisal services, regulated by 24 Del.C., Ch. 40, and its secondary objectives to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public.

Amendments are proposed to Section 2.0 because, starting on January 1, 2026, the qualifying education requirements for licensure and certification will include mandatory hours of study on the topics of valuation bias and fair housing laws and regulations. Continuing education requirements will also change to incorporate mandatory study of these subject matters.

Amendments are proposed to regulation subsections 2.1.3.4.2.3, 4.1.1, 4.1.7, and 4.1.8 to provide clarification of how and by whom appraisal reports should be signed, including the proper abbreviations to be used by certified and licensed appraisers when signing appraisal reports.

Amendments are proposed to Section 9.0. These propose to delete provisions regarding record-keeping which are superfluous because of the requirements of the Delaware Freedom of Information Act, 29 Del.C., Chapter 100. The new Section 9.0 provides regulation regarding the registration, pursuant to 24 Del.C. §4022, of Appraisal Management Companies, which was previously not addressed within the Council's regulations.

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

The Council will hold a public hearing on July 16, 2024, at 9:30 a.m. in conference room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address or to [Tashana.Branch@delaware.gov](mailto:Tashana.Branch@delaware.gov).

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be July 31, 2024. The Council will deliberate on all the public comments at its regularly scheduled meeting thereafter.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 957RFA 06-01-24.pdf>

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 957 06-01-24.htm>

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# PROPOSED REGULATIONS

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## DEPARTMENT OF TRANSPORTATION DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 21 Delaware Code, Sections 302(a) and 4137 (21 Del.C. §§302(a) & 4137)

### PUBLIC NOTICE

#### 1208 Electronic Traffic Monitoring for Vehicle Obstructions System

Pursuant to the authority provided by 21 Del.C. §302(a) and 4137, the Delaware Department of Transportation (DelDOT) established an Electronic Traffic Monitoring for Vehicle Obstructions System (Block the Box) program at qualifying intersections across the State of Delaware.

The Department, through its Division of Transportation Solutions seeks to adopt this regulation to administer the Block the Box program, which is established in support of DelDOT's goals of minimizing congestion, allowing for the continued movement of all road users, and improved emergency vehicle movement at signalized intersections along roadways with a Principal Arterial or Other Arterial functional classification.

#### Public Comment Period

DelDOT will take written comments on the proposed Regulation 1208 of Title 2, Delaware Administrative Code, from June 1, 2024 through July 1, 2024. The public may submit their comments to:

Peter Haag, P.E.  
Chief of Traffic Engineering  
([Peter.Haag@delaware.gov](mailto:Peter.Haag@delaware.gov)) or in writing to his attention,  
Delaware Department of Transportation  
Division of Transportation Solutions  
169 Brick Store Landing Road  
Smyrna, DE 19977

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

<https://regulations.delaware.gov/register/june2024/proposed/27 DE Reg 958RFA 06-01-24.pdf>

#### 1208 Electronic Traffic Monitoring for Vehicle Obstructions System

##### 1.0 Statement of Purpose

The purpose of these regulations is to provide for the establishment and administration of an Electronic Traffic Monitoring for Vehicle Obstructions System (i.e., "Block the Box") program at qualifying intersections across the State of Delaware. The Delaware Department of Transportation (DelDOT), or the governing body of any municipality, may install and operate Block the Box monitoring systems and assess fines in accordance with 21 Del.C. §4137 and 21 Del.C. §4205. The Block the Box program is established in support of DelDOT's goals of minimizing congestion, allowing for the continued movement of all road users, and improved emergency vehicle movement at signalized intersections along roadways with a Principal Arterial or Other Arterial functional classification. These regulations are being promulgated in accordance with 21 Del.C. §4130, 21 Del.C. §4137, and 83 Del. Laws, c. 494, §1.

##### 2.0 Definitions

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

"DelDOT" means the Delaware Department of Transportation.

"Block the Box" means a vehicle obstructing traffic, as described in 21 Del.C. §4130 and 21 Del.C. §4179.

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## **3.0 Electronic Traffic Monitoring for Vehicle Obstructions System Program Requirements**

- 3.1 DeIDOT may approve the installation and use of a Block the Box monitoring system if the conditions in subsection 3.2 of this regulation are met.
- 3.2 DeIDOT will implement procedures and guidelines to aid the selection of appropriate intersections at which to implement Block the Box monitoring systems. The conditions for installation and operation of a Block the Box system are as follows:
  - 3.2.1 The system may be installed or used to record images of a motor vehicle traveling through an intersection controlled by a DeIDOT-owned traffic signal, and at least 1 approach of the intersection has a functional classification of a principal arterial or minor arterial only as defined by DeIDOT.
  - 3.2.2 If the intersection meets the criteria in subsection 3.2 and is within the boundaries of a municipality, the municipality must approve the intersection eligible for monitoring prior to DeIDOT approval.
  - 3.2.3 DeIDOT and the police agency with jurisdiction must provide notice on their publicly accessible websites of the intended use of the Block the Box system at least 14 calendar days prior to its implementation.

## **4.0 Deployment**

A Block the Box system will be installed at an approved intersection by the approved vendor. The participating police agency may prioritize sites within their jurisdiction; the police agency may consider crash data in prioritizing locations where the system is to be implemented in addition to the requirements noted in Section 3.0 of this regulation. Temporary message boards shall be installed to warn motorists along the monitored corridor in each direction at least 7 days prior to the Block the Box systems issuing violation notices.

## **5.0 Installation**

To inform motorists clearly of the Block the Box enforcement area, A "DO NOT BLOCK INTERSECTION" sign, with a photo enforced camera symbol or a "PHOTO ENFORCED" plaque mounted directly below, should be installed near the stop line on the approach to all monitored movements. This is a courtesy notification and is not required; violations may still be issued even if signage is not present.

## **6.0 Reporting**

- 6.1 DeIDOT shall be responsible for preparing an annual report on the Block the Box systems as implemented statewide.
- 6.2 The report must include the following:
  - 6.2.1 Where and when the system was used. The approved vendor shall maintain a log of Block the Box system locations as well as activation and shut-down dates.
  - 6.2.2 Citation data. The approved vendor shall maintain a log of Block the Box violations by location, date, and time.
  - 6.2.3 Financial data, including expenditures and revenues. All financial data and itemized transactions for Block the Box locations operated by municipalities and enforced by municipal police are the sole responsibility of the municipality and the selected vendor.
  - 6.2.4 State and municipal police agencies shall cooperate with DeIDOT regarding the collection of data necessary to prepare the annual report. In the event a police agency does not provide the requested information in a timely manner to DeIDOT, the police agency will no longer be eligible for use of Block the Box systems, and all enforcement equipment will be removed.

## **7.0 System Approved Vendor**

- 7.1 DeIDOT utilizes a supporting approved vendor to provide enforcement monitoring systems and assist in administering the program. The approved vendor is selected through an open competitive procurement process which allows for the government and the taxpayer to benefit from improved

quality at lower pricing. To assure integrity and propriety, any person involved in the administration or enforcement of the program may not own any interest or equity in the approved vendor used by DeIDOT to support the administrative elements of the program. A person with an ownership or equity interest in an approved vendor must divest from this ownership or investment no later than 90 days after the effective date of this act. This restriction applies to anyone with either direct involvement in the administering or enforcement of the program and those in any supervisory capacity above persons with direct involvement.

7.2 To participate in the program, and in accordance with 29 Del.C. §6904, municipalities shall utilize "piggyback" agreements with DeIDOT's selected vendor for Block the Box monitoring as well as collections activities.

## **8.0 Fines**

8.1 Violation notices are sent by the system approved vendor to the registered owner of the vehicle whose position within an intersection violates right-of-way regulations, as evidenced by information obtained from a Block the Box monitoring system and shall be subject to a civil offense rather than a criminal offense. The present violation fine structure is established under and 21 Del.C. §4205. No additional assessments or court costs, other than those specified in Section 15.0 of this regulation, shall be assessed or collected against the owner or operator of a vehicle who has violated this regulation.

8.2 The base fine for a vehicle that violates right-of-way regulations, as evidenced by information obtained from a Block the Box monitoring system, is \$25 for first offense and \$57.50 for each subsequent offense pursuant to 21 Del.C. §4205.

8.2.1 A subsequent violation, before being punishable as a subsequent offense, shall have been committed within 24 months after the commission of the prior offense.

8.2.2 Prior non-electronic moving violations issued by an officer are considered separate from Block the Box violations for the purposes of determining if a subsequent violation occurred.

8.3 For violations of Title 21, the following surcharges will be levied:

8.3.1 A Transportation Trust Fund Surcharge equal to 50% of the base fine, pursuant to 11 Del.C. §4101, which requires fines or fees levied for violations of Title 21 to include an additional 50% surcharge assessment.

8.3.2 A Violent Crimes Fund Surcharge of \$15 pursuant to 11 Del.C. §4101(h).

8.3.3 An Ambulance Fund Surcharge of \$10 pursuant to 11 Del.C. §4101(j).

## **9.0 Violation Criteria**

For a violation to occur, a motor vehicle must be located within a conflicting left-turn or through vehicle's path of travel or pedestrian crosswalk following the termination of the violating vehicle's right-of-way and subsequent all-red clearance interval.

## **10.0 Determination of Violation**

The technology for electronic enforcement utilizes a specialized camera, coupled with a traffic signal. The device detects the movement of vehicles into the intersection after a signal turns red. The technology video tapes this movement while simultaneously taking a picture of the violator's license plate to identify the vehicle. A trained technician(e.g., a currently serving or retired sworn law enforcement officer) employed by a state agency or municipality, or an entity designated by a state agency or municipality for this purpose, inspects the evidence. Using this information, a violation notice is generated and sent to the registered owner of the vehicle.

## **11.0 Exemptions**

11.1 Emergency vehicles with active emergency lights and vehicles yielding the right-of-way to emergency vehicles are exempt from receiving a notice of violation.

11.2 No other exemptions are provided for in the Delaware Code and no other exemptions will be considered as defenses to the issuance of a violation.

## **12.0 Notice of Violation Content**

- 12.1 A Notice of Violation shall be sent by the system approved vendor and must contain:
  - 12.1.1 The name and address of the registered owner of the vehicle that committed the violation;
  - 12.1.2 The registration number of the motor vehicle involved in the violation;
  - 12.1.3 The violation charges;
  - 12.1.4 The location where the violation occurred;
  - 12.1.5 The date and time of the violation;
  - 12.1.6 Copies of 2 or more photographs, or microphotographs, or other recorded images, taken as proof of the violation, which also include the distance traveled between the 2 photographs as well as the time gap between the 2 photographs;
  - 12.1.7 The amount of the civil penalty imposed and the date by which the civil penalty shall be paid;
  - 12.1.8 The length of time and location for contesting liability and notice that the failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a judgment being entered against the summonsed person and the denial of the registration or renewal of registration of any of the owner's vehicles; and
  - 12.1.9 Notice of the summonsed person's ability, via an enclosed affidavit form, to rebut the presumption under Section 12.0 of this regulation that the summonsed person was the operator of the vehicle at the time of the violation and the manner of rebutting said presumption.

## **13.0 Affidavits**

- 13.1 If the registered owner of a vehicle who has received a notice of violation contends that the registered owner was not the operator of the vehicle at the time of the violation, the registered owner must furnish evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. The presumption shall be rebutted if the owner:
  - 13.1.1 Furnishes an affidavit by regular mail to the entity indicated on the summons that the owner was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle, or attaches a certified copy of a police report showing that the vehicle or license plate or plates had been reported to the police as stolen prior to the time of the alleged violation; or
  - 13.1.2 Provides proof in court or to the entity handling the administrative appeal process that the owner was not the operator of the vehicle at the time of the alleged violation.
- 13.2 An affidavit must be provided by the registered owner of a vehicle receiving a Notice of Violation within 90 days of the issue date of the Notice of Violation or no later than 10 days prior to a hearing if one is requested, whichever date is earlier.
- 13.3 Upon receipt of an affidavit by the State of Delaware or the system approved vendor, the newly implicated person will be mailed a notification of the violation.

## **14.0 Payment of Civil Assessment**

A person electing to pay the civil assessment shall follow the process as outlined on the Notice of Violation.

## **15.0 Procedures to Contest a Violation**

A person receiving a Notice of Violation may request a hearing to contest the violation by notifying in writing the entity designated on the summons, within 20 days of the issue date. Upon timely receipt of a hearing request, a civil hearing will be scheduled and the defendant will be notified of the hearing date by first class mail. Costs for this hearing may not be assessed against the prevailing party. A civil hearing shall be held by the Justice of the Peace Court or other court with competent jurisdiction as designated by the Department of Safety and Homeland Security or municipality in which the Block the Box monitoring system was located. Court costs, or similar administrative fees, not to exceed \$35, may be imposed against an owner or operator of a motor vehicle who requests a hearing

to contest a violation and is either found at fault or admits to fault at the hearing. No costs may be assessed against the prevailing party. There shall be no right to transfer to the Court of Common Pleas, and no right of appeal unless the civil penalty exceeds \$100.

**16.0 Failure to Pay Civil Assessment**

Failure to pay the civil assessment or to appear for a scheduled hearing may result in the refusal by the Division of Motor Vehicles to renew the registration of the motor vehicle which committed the violation, the suspension of the driver's license of the owner or operator of the motor vehicle, as well as the entry of a civil traffic judgment against the owner or operator of the motor vehicle. See 21 Del.C. §4137 and House Bill 244 of the 151st General Assembly.

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## 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.

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## DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Section 6604(1) (16 Del.C. §6604(1))  
1 DE Admin. Code 709

### ORDER

### 709 Fire Service Standards

### Nature of the Proceedings

Pursuant to 16 Del. C. § 6604(1), the Delaware State Fire Prevention Commission proposed to revise Regulation 709 Fire Service Standards (the "Regulations"). The proposed changes to the Regulations included updated language related to NFPA standards, requirements for new Fire and EMS stations, training requirements, and handling of fire fighter injury investigations.

### Summary of the Evidence

The proposed amendments to the Regulations were published in the Delaware Register of Regulations on January 2, 2024. A written comment period was held open through February 2, 2024. The Commission received written comments, which are on file with the Commission, from the following individuals and fire companies: (1) Dave Wilson, Odessa Fire Company Chief, (2) Andrew Lloyd, and (3) Douglas Manley, Mill Creek fire Company (the "Written Comments"). The Written Comments focused on the minimum training standards amendments.

### Findings of Fact

At the Commission's regularly scheduled monthly meeting on February 19, 2024, the Commission discussed the Written Comments. The Commission explained that the minimum training standards are designed to help

citizens and firefighters alike; the standards give everyone the best ability to survive. These training standards were recommended by a 2022 Committee and proposed by the Commission in March 2023. However, the Commission delayed implementation, by deleting the subsections, over concerns regarding the timeline in 2023.

Pursuant to discussions held during the Commission's meeting on February 19, 2024, the Commission voted to approve the amendments to the Regulations as proposed. The Commission addressed further apprehensions at the regularly scheduled meeting on March 19, 2024. After the March Meeting, the Commission continued to receive concerns regarding the minimum training standards, mostly focusing on the timing of the amendments. At the Commission's regularly scheduled meeting on April 16, 2024, the Commission voted to delay the effective date *only* for subsections 1.4 and 1.5 of Chapter 7 until January 1, 2026.

Pursuant to Section 10118(b)(3) of Title 29 regarding the State's greenhouse gas emissions reduction targets and resiliency to climate change, assessment is not practical for this regulation.

### Decision of the Commission

For the reasons discussed above, the Commission concludes it is appropriate to separate the minimum training requirements from the remaining amendments for purposes of implementation. Therefore, the Commission adopts the proposed amendments to Regulations as final except the amendments to subsection 1.4 of Chapter 7 and the new subsection 1.5 of the same chapter, which will be addressed in a separate order. The final proposed amendments are reflected in Exhibit A.

These amendments shall become effective June 11, 2024.

**IT IS SO ORDERED, this 15th day of May 2024, by the Commission:**

#### Delaware State Fire Prevention Commission

/s/ Ron Marvel, Chairman

/s/ William Kelly, Vice Chairman

/s/ Lynn Truitt

/s/ Richard Perillo

/s/ Joseph J. Leonetti, Sr.

/s/ Ken Ryder, Jr.

/s/ Jeffrey Eisenbrey

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

### 709 Fire Service Standards (Break in Continuity of Sections)

#### Chapter 7 Health and Safety

#### 1.0 Minimum Training Requirements

- 1.1 Minimum training is required to ensure firefighters can safely and adequately perform functions at emergency scene operations. Fire Companies are required to track and maintain training records for all members. Members shall only be assigned duties commensurate with their training.
- 1.2 For members to perform independently or as a part of a team, they must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of basic fire skills, structural skills, hazmat response skills and vehicle rescue.
- 1.3 Members not yet trained at these levels must be closely supervised by trained members when operating at scenes. Members that are not trained in structural fire skills shall not be assigned interior duties at structural fires and may only participate as support personnel.
- 1.4 ~~Sufficient equivalency of training shall be determined by the Commission through the Director of the Delaware State Fire School (DSFS). [Members elected, appointed, or employed that are assigned or perform duties at training or alarms at a crew management level must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of Fire Officer 1. RESERVED.]~~

- 1.5 ~~[Members elected, appointed, or employed that are assigned or perform duties at training or alarms at a scene management level must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of Fire Officer 2. RESERVED.]~~
- 1.6 Sufficient equivalency of training shall be determined by the Commission through the Director of the Delaware State Fire School (DSFS). Those seeking equivalency shall submit full training records or transcripts shall be submitted to the DSFS for review.

**\*Please note that no additional changes were made to the regulation as originally proposed and published in the January 2024 issue of the *Register* at page 470 (27 DE Reg. 470). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 963 06-01-24.htm>**

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## DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Section 6604(1) (16 Del.C. §6604(1))  
1 DE Admin. Code 709

### ORDER

#### 709 Fire Service Standards

#### Nature of the Proceedings

Pursuant to 16 *Del. C.* § 6604(1), the Delaware State Fire Prevention Commission proposed to revise Regulation 709 Fire Service Standards (the "Regulations"). The proposed changes to the Regulations included updated language related to NFPA standards, requirements for new Fire and EMS stations, training requirements, and handling of fire fighter injury investigations. Amendments related to everything except minimum training requirements were adopted by separate Order.

#### Nature of the Proceedings

Pursuant to 16 *Del. C.* § 6604(1), the Delaware State Fire Prevention Commission proposed to revise Regulation 709 Fire Service Standards (the "Regulations"). The proposed changes to the Regulations included updated language related to NFPA standards, requirements for new Fire and EMS stations, training requirements, and handling of fire fighter injury investigations.

#### Summary of the Evidence

The proposed amendments to the Regulations were published in the Delaware Register of Regulations on January 2, 2024. A written comment period was held open through February 2, 2024. The Commission received written comments, which are on file with the Commission, from the following individuals and fire companies: (1) Dave Wilson, Odessa Fire Company Chief, (2) Andrew Lloyd, and (3) Douglas Manley, Mill Creek fire Company (the "Written Comments"). The Written Comments focused on the minimum training standards amendments.

#### Findings of Fact

At the Commission's regularly scheduled monthly meeting on February 19, 2024, the Commission discussed the Written Comments. The Commission explained that the minimum training standards are designed to help citizens and firefighters alike; the standards give everyone the best ability to survive. These training standards were recommended by a 2022 Committee and proposed by the Commission in March 2023. However, the Commission delayed implementation, by deleting the subsections, over concerns regarding the timeline in 2023.

The Commission discussed the required classes offered by the Delaware Fire School. Unfortunately, the representative from the Fire School was unable to give details on class availability during the Meeting. The Commission pointed out that training equivalency may also meet the requirements. The required classes, or equivalencies, have been available at the Delaware Fire School since the 1970s.

Pursuant to discussions held during the Commission's meeting on February 19, 2024, the Commission voted to approve the amendments to the Regulations as proposed. The Commission further addressed concerns at the regularly scheduled meeting on March 19, 2024. The Commission elaborated on the meaning of the words, "elected, appointed, or employed." After the March Meeting, the Commission received more concerns regarding the minimum training standards, mostly focusing on the timing of the amendments. At the Commission's regularly scheduled meeting on April 16, 2024, the Commission voted to delay the effective date only for subsections 1.4 and 1.5 of Chapter 7 until January 1, 2026.

Pursuant to Section 10118(b)(3) of Title 29 regarding the State's greenhouse gas emissions reduction targets and resiliency to climate change, assessment is not practical for this regulation.

### Decision of the Commission

For the reasons discussed above, the Commission concludes it is appropriate to provide additional time for those impacted to become compliant with the new minimum training requirements. Therefore, the Commission adopts the proposed amendments to subsection 1.4 of Chapter 7 and the new subsection 1.5 of the same chapter. These amendments shall become effective January 1, 2026. The final proposed amendments are reflected in Exhibit A.

**IT IS SO ORDERED, this 15th day of May 2024, by the Commission:**

#### Delaware State Fire Prevention Commission

/s/ Ron Marvel, Chairman

/s/ William Kelly, Vice Chairman

/s/ Lynn Truitt

/s/ Richard Perillo

/s/ Joseph J. Leonetti, Sr.

/s/ Ken Ryder, Jr.

/s/ Jeffrey Eisenbrey

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

### 709 Fire Service Standards (Break in Continuity of Sections)

#### Chapter 7 Health and Safety

#### 1.0 Minimum Training Requirements

- 1.1 Minimum training is required to ensure firefighters can safely and adequately perform functions at emergency scene operations. Fire Companies are required to track and maintain training records for all members. Members shall only be assigned duties commensurate with their training.
- 1.2 For members to perform independently or as a part of a team, they must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of basic fire skills, structural skills, hazmat response skills and vehicle rescue.
- 1.3 Members not yet trained at these levels must be closely supervised by trained members when operating at scenes. Members that are not trained in structural fire skills shall not be assigned interior duties at structural fires and may only participate as support personnel.
- 1.4 Sufficient equivalency of training shall be determined by the Commission through the Director of the Delaware State Fire School (DSFS). Members elected, appointed, or employed that are assigned or perform duties at training or alarms at a crew management level must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of Fire Officer 1.

- 1.5 Members elected, appointed, or employed that are assigned or perform duties at training or alarms at a scene management level must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of Fire Officer 2.
- 1.6 Sufficient equivalency of training shall be determined by the Commission through the Director of the Delaware State Fire School (DSFS). Those seeking equivalency shall submit full training records or transcripts shall be submitted to the DSFS for review.

**\*Please Note: As the rest of the sections are not relevant to the January 1, 2026 effective date, they are not being published. A copy of the regulation is available at:**

<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 965 06-01-24.htm>

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## DEPARTMENT OF AGRICULTURE HARNESS RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 10005 (3 Del.C. §10005)  
3 DE Admin. Code 501

### ORDER

#### 501 Harness Racing Rules and Regulations

Pursuant to 29 *Del. C.* §10118 and 3 *Del. C.* §10005, the Delaware Harness Racing Commission (the "Commission") issues this Order adopting proposed amendments to the Commission's Rules. Following proper notice, the Commission makes the following findings and conclusions:

#### SUMMARY OF THE EVIDENCE

1. The Commission posted public notice of the proposed amendments to DHRC Rules 3.3, 5.3.2.1, 5.3.5, 7.4.1.6, 8.3.5.9.6, and 8.5.1 in the April 1, 2024 *Register of Regulations*.
2. The Commission's purpose in proposing these changes was to revise Racing Office operating procedures, impose accountability on substitute trainers for horse conditions on the day of a race, and change horse qualifying eligibility to adhere to the practice used by the Commission. Other sections of the Regulation issued by the Commission are not affected by the aforementioned proposals.
3. The Commission received no written comments. The Commission held the public comment period open until close of business on May 1, 2024.
4. The Delaware Harness Racing Commission will finalize the regulations at its regularly scheduled monthly meeting on May 14, 2024. Monthly meetings are noticed public meetings.

#### FINDINGS OF FACT AND CONCLUSIONS

The public was given notice and an opportunity to provide the Commission with comments in writing on the proposed amendments to the Commission's Rules. After considering the rule changes as proposed, the Commission hereby adopts the rule changes as proposed. The Commission believes that these rule changes will allow the Delaware Harness racing Commission rules to more accurately reflect current policy and procedures.

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

# FINAL REGULATIONS

Accordingly, the Commission finds that it is appropriate to adopt the proposed regulations, 3 DE Admin. Code 500, pursuant to 3 Del.C. § 10005. The text of 3 DE Admin. Code 500 shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 3 DE Admin. Code 500 Harness Racing Commission in the Administrative Code of Regulations.

## ORDER

**AND NOW this 14<sup>th</sup> day of May, 2024**, it is hereby ordered that:

1. The proposed regulations are hereby adopted;
2. The effective date of this order is 10 days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 Del. C. §10118(e); and
3. The Commission reserves to itself the authority to issue such order and further orders concerning its Regulations as it deems appropriate.

## IT IS SO ORDERED.

### Harness Racing Commission

/s/ Beverly H. Steele, Chairman	Jack Berberian, Commissioner (ABSENT)
/s/ Patt Wagner, Vice-Chairman	/s/ Stephanie Liguori, Commissioner
/s/ George P. Staats, Commissioner	

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

**\*Please note that no changes were made to the regulation as originally proposed and published in the April 2024 issue of the *Register* at page 720 (27 DE Reg. 720). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 967 06-01-24.htm>**

## DEPARTMENT OF EDUCATION

### OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(2) (14 Del.C. §122(b)(2))  
14 DE Admin. Code 603

## ORDER

### 603 Compliance with the Gun-Free Schools Act

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §122(b)(2), the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 603 Compliance with the Gun-Free Schools Act. The regulation concerns the written policy requirements to implement the Gun-Free Schools Act (20 U.S.C. §7961) and the reporting requirements for districts and charter schools in Delaware. The regulation was reviewed in accordance with 29 Del.C. §10407. The proposed amendments include adding Section 1.0, which concerns the content of the regulation; adding Section 2.0, which provides defined terms; and changes to Sections 3.0 and 4.0 to align the proposed regulation with 20 U.S.C. §7961 and 11 Del.C. §1457A.

Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2024. The Department received one written submittal from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"). GACEC commented that 14 Del.C. §1457A(f) is not consistent with the Gun-Free

Schools Act that gives discretion to the "chief administering officer of a local educational agency" to modify an expulsion under the Act. GACEC further commented that "while Delaware State law . . . requires a minimum term of expulsion of 180 days, rather than one year minimum which appears in the proposed regulation, the Gun Free Schools Act requires a one year minimum." GACEC also commented that the proposed regulation "removes the requirement to record the expulsion modification in writing and instead requires it to simply be reported to" the Department.

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

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

## III. FINDINGS OF FACTS

The Department considered the written submittal and determined not to make any further changes as a result of the written submittal. The Department finds that the term chief administering officer is not defined for the purpose of the Gun-Free Schools Act and under Delaware law, expulsion decisions are made by district boards of education or charter school boards of directors. The Department further finds that 180 days is typically the length of one school year and that proposed subsection 3.1.1 is consistent with 20 U.S.C. §7961 and 11 **Del.C.** §1457A. The Department also finds that while federal law requires written modifications concerning expulsion decisions, there is no such requirement for schools when they report those decisions to the Department in accordance with proposed subsection 3.1.2; nevertheless, the report is in writing. In addition, the Department finds that the proposed amendments to the regulation are consistent with 20 U.S.C. §7961 and 11 **Del.C.** §1457A. The Department also finds that the proposed regulation is necessary to govern the protection of the health and physical welfare of public school students in Delaware. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 603 Compliance with the Gun-Free Schools Act.

## IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 603 Compliance with the Gun-Free Schools Act. Therefore, pursuant to 14 **Del.C.** §122(b)(2), 14 **DE Admin. Code** 603 Compliance with the Gun-Free Schools Act, attached hereto as Exhibit A, is hereby amended.

## V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 603 Compliance with the Gun-Free Schools Act amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 603 Compliance with the Gun-Free Schools Act in the *Administrative Code of Regulations* for the Department.

## VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date it is published in the *Delaware Register of Regulations*. Pursuant to 14 **Del.C.** §122(e), 14 **DE Admin. Code** 603 Compliance with the Gun-Free Schools Act hereby amended shall be in effect for a period of five years from the effective date of this Order unless it is amended or repealed sooner.

IT IS SO ORDERED the 14th day of May, 2024.

### Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

**\*Please note that no changes were made to the regulation as originally proposed and published in the April 2024 issue of the Register at page 730 (27 DE Reg. 730). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 968 06-01-24.htm>**



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# FINAL REGULATIONS

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## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(a) and 604(b) (14 **Del.C.** §§122(a) and 604(b))  
14 **DE Admin. Code** 737

### ORDER

#### 737 Tuition Billing for Special Schools and Programs

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§122(a) and 604(b), the Secretary of Education intends to amend 14 **DE Admin. Code** 737 Tuition Billing for Special Schools and Programs. This amendment is needed to update language pertaining to tuition eligibility and processing of tuition billing and payments per 14 **Del. Code** Chapter 6.

The Department of Education published the proposed amendments in the *Register of Regulations* on November 1, 2023, and published a General Notice in the December 1, 2023 *Register of Regulations* extending the public comment period through January 31, 2024 to ensure all parties were able to provide public comment.

The Department of Education received several written comments, some of which were in support of the amended regulation and some which suggested changes such as the following:

**Issue:** In Section 2.0, the definition of a "Sending School District" be amended to "mean any reorganized school district, eligible to issue tuition tax under Title 14 Chapter 6, which sends a resident student to a receiving school district or charter school. This change would clarify that vocational-technical districts cannot be billed as they are not eligible to issue tuition tax.

**Response:** The Department of Education amended the definition of reorganized school district to clarify that the term does not include vocational-technical or charter schools.

**Issue:** Kendall Massett, Executive Director of the Delaware Charter Schools Network submitted comments on behalf of charter schools in Delaware and Shawn Larrimore, Ed.D., President of the Delaware Chief School Officers Association submitted comments on behalf of Delaware Reorganized School Districts requesting extensive revisions be made to the proposed regulation.

**Response:** After review and consultation with stakeholders, the Department of Education amended the proposed regulation in its entirety to reflect a formulaic approach to alleviate concerns regarding consistency and uncertainty.

Notice of the repropoed regulation was published in the *Delaware Register of Regulations* on April 1, 2024. The Department of Education received one written comment from the Delaware Charter School Network in support of the recent amended regulation.

#### II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin.** 737 Tuition Billing for Special Schools and Programs to update language pertaining to tuition eligibility and processing of tuition billing and payments per 14 **Del. Code** Chapter 6.

#### III. ASSESSMENT OF IMPACT

Pursuant to 29 **Del. C.** §10118(b)(3) this regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets or the State's resiliency to climate change. Such assessment is not practical for this regulation.

## IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 737 Tuition Billing for Special Schools and Programs. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 737 Tuition Billing for Special Schools and Programs attached hereto as *Exhibit "A"* is hereby amended.

## V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 737 Tuition Billing for Special Schools and Programs amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 737 Tuition Billing for Special Schools and Programs in the *Administrative Code of Regulations* for the Department of Education.

## VI. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on May 7, 2024. 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 7th day of May 2024.  
**Department of Education**

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 7th day of May 2024.

**\*Please note that no changes were made to the regulation as originally proposed and published in the April 2024 issue of the Register at page 732 (27 DE Reg. 732). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 970 06-01-24.htm>

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## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(2) (14 **Del.C.** §122(b)(2))  
14 **DE Admin. Code** 805

## ORDER

### 805 The School Health Tuberculosis (TB) Control Program

## I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b)(2), the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 805 The School Health Tuberculosis (TB) Control Program. The regulation is amended to clarify the tuberculosis screening and testing requirements for school staff and extended services personnel, volunteers, and new enrollees in Delaware public schools.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on March 1, 2024. The Department of Education did not receive any written comments concerning the proposed amendments.

## II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 805 The School Health Tuberculosis (TB) Control Program to clarify the tuberculosis screening and testing requirements for school staff and extended services personnel, volunteers, and new enrollees in Delaware public schools.

### III. ASSESSMENT OF IMPACT

Pursuant to 29 **Del. C.** §10118(b)(3) this regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets or the State's resiliency to climate change. Such assessment is not practical for this regulation.

### IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 805 The School Health Tuberculosis (TB) Control Program. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 805 The School Health Tuberculosis (TB) Control Program attached hereto as *Exhibit "A"* is hereby amended.

### V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 805 The School Health Tuberculosis (TB) Control Program amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin.** 805 The School Health Tuberculosis (TB) Control Program in the *Administrative Code of Regulations* for the Department of Education.

### VI. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on May 7, 2024. 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 7th day of May 2024.  
**Department of Education**

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 7th day of May 2024.

\*Please note that no changes were made to the regulation as originally proposed and published in the March 2024 issue of the *Register* at page 645 (27 DE Reg. 645). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 971 06-01-24.htm>

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### PROFESSIONAL STANDARDS BOARD

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

### ORDER

### 1503 Comprehensive Educator Induction Programs

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1205(b), 1210(b)(1), and 1212(a), the Professional Standards Board, acting in

consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1503 Comprehensive Educator Induction Programs. The regulation concerns mentoring requirements for licensed educators in Delaware public schools. The proposed amendments include adding "Administrator," "Induction Coach," "Induction Coordinator," "LEA Induction Team," "Lead Induction Coach," "Professional Learning," "Site Induction Team," and "Teacher" as defined terms and revising and striking existing defined terms in Section 2.0; revising Section 3.0, which concerns the requirements for comprehensive educator induction programs for teachers; revising Sections 4.0, 5.0, and 6.0, which concern the requirements for the comprehensive educator induction programs for teachers; adding Section 7.0, which concerns the comprehensive educator induction programs for specialists; adding Sections 8.0 and 9.0, which concern the requirements for the comprehensive educator induction programs for specialists; revising Section 10.0, which concerns comprehensive educator induction programs for administrators; revising Sections 11.0, 12.0, and 13.0, which concern the requirements for the comprehensive educator induction programs for administrators; adding Section 14.0, which provides the duties and responsibilities of Induction Coordinators, Lead Induction Coaches, and Induction Coaches; revising Section 15.0, which concerns the duties and responsibilities of Administrator Mentors; and revising Section 16.0, which concerns salary supplement payments. The proposed effective date of the amended regulation is July 1, 2024.

The proposed regulation was published on September 1, 2023. The Professional Standards Board received one written submission from Stephanie Ingram, President of the Delaware State Education Association ("DSEA"), who commented that DSEA opposed the proposed regulation and asked the Board to consider revising the regulation to eliminate unnecessary activities, streamline the program, and ensure that program requirements align with and take into consideration other activities educators are already required to complete. The Professional Standards Board withdrew the proposed regulation for further work to be done on drafting amendments. The proposed regulation was reviewed by the Department and additional substantive amendments were developed. In addition to the amendments that were published on September 1, 2023, the Professional Standards Board proposed to add a definition of ARTC Program to Section 2.0; add the option of an employing authority's alternative evaluation system to subsection 4.2.3; specify that professional learning experiences may be used in lieu of ARTC Program requirements to subsection 4.3.3, specify that activities required for participation in an ARTC Program may be used to fulfill the requirements of subsection 5.1 to subsection 5.1.2; add specialists to Section 9.0; and specify that activities required for participation in an ARTC Program may be used to meet the requirements of Section 9.0 to subsection 9.3.3.

Notice of the proposed regulation was published in the *Register of Regulations* on January 1, 2024. The Professional Standards Board received 10 written submissions concerning the proposed regulation. Shanta Reynolds commented that "[t]he changes made to the CIP program are moving us in the right direction to support new educators effectively." Sharon-rose Gargula commented that "having a district lead nurse coach (public and charter school) will help with retention, ensuring that all nurses in the program are participating with fidelity and provided the support the nurses need to be successful and safe practitioners, keeping our student[s] safe, healthy and ready to learn." Stephanie Foster commented that "we are heading in the right direction in providing our new educators with what they need to grow." Stacey Zehr commented "[a]s a building lead induction coach, I have found the new Comprehensive Induction Program to be beneficial to new and returning teachers currently completing mentee requirements" and the program is "positive and individualized." Tommy Chang, Chief Executive Officer of the New Teacher Center (NTC), commented that "[e]xcellent coaching is a fundamental lever to producing positive student outcomes, but the conditions for effective implementation must be in place in order for the impact to come to fruition" and that the "requirements outlined in the amendment language align with the model and best practices that NTC has found . . . to demonstrate a positive impact on teacher retention and student learning." Katie Comegys commented that the "revisions have allowed our program to be much more engaging and impactful." Ms. Ingram commented that DSEA opposes the proposed regulation and asked that the Department and the Professional Standards Board continue "to review and refine the regulation to eliminate unnecessary activities, streamline the program and ensure that the program requirements align with and take into consideration other activities educators must already complete." The Milford School District Comprehensive Induction Program Planning Cohort commented that "[h]aving a 'mentoring program' has proven to be a valuable experience for novice educators in the beginning of their careers, however, based upon the feedback from all stakeholders involved we recognized that a 'one size fits all' model was not most effective in supporting and retaining our newest staff" and that the Milford School District strongly supports the new program. Feliza Ortiz-Licon, of NTC, submitted a report of a survey of six LEAs that are currently implementing the proposed program.

Jaime Wetherby commented that the new program "is way more meaningful than the old (or current) program, as it allows for coaches to tailor to the needs of their mentees."

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

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

## III. FINDINGS OF FACTS

On February 1, 2024, the Professional Standards Board considered the written submittals and determined not to make any further changes as a result of the written submittals. However, the Board found that "2-Year" should be added to the title of Section 7.0 and "Teachers" should be replaced with "Specialists" in subsection 7.2.4. Pursuant to 29 **Del.C.** §10118(c), the Professional Standards Board's Chairperson determined the two changes are nonsubstantive and do not require republication. The Board also found that "and Specialists" was not stricken from the title of Section 3.0 of the published version, even though it was stricken in the version that was submitted to be published, so it voted to table the regulation for the Registrar's office to be contacted.

On April 11, 2024, the Professional Standards Board found that it could strike "and Specialists" from Section 3.0 in the future. The Board also found that Section 6.0 was incorrectly referenced in subsection 3.1.1 and that it should be Section 9.0. The Board further found that the word "in" was missing from subsection 8.1.3. Pursuant to 29 **Del.C.** §10118(c), the Professional Standards Board's Chairperson determined the two changes are nonsubstantive and do not require republication. The Board voted to propose 14 **DE Admin. Code** 1503 Comprehensive Educator Induction Programs, in the form attached hereto as Exhibit A with the four nonsubstantive changes, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. In addition, the Department finds that the changes to subsection 3.1.1, Section 7.0, subsection 7.2.4, and subsection 8.1.3 are clarifying, nonsubstantive changes. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1503 Comprehensive Educator Induction Programs.

## IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1503 Comprehensive Educator Induction Programs subject to the State Board of Education's approval. On April 18, 2024, the State Board of Education approved amending 14 **DE Admin. Code** 1503 Comprehensive Educator Induction Programs. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), 1210(b)(1), and 1212(a), 1503 Comprehensive Educator Induction Programs, attached hereto as Exhibit A, is hereby amended.

## V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1503 Comprehensive Educator Induction Programs amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1503 Comprehensive Educator Induction Programs in the *Administrative Code of Regulations* for the Department.

## VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be July 1, 2024.

**IT IS SO ORDERED** the 18th day of April, 2024.

### Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 18th day of April, 2024.

### State Board of Education

/s/ Shawn Brittingham, President

/s/ Harvey Kenton, Jr.

Deborah Stevens, Vice President (Absent)  
Candice Fifer (Absent)  
/s/ Meredith L. Griffin, Jr.

/s/ Rev. Provey Powell, Jr.  
/s/ Wali W. Rushdan, II

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

**\*Please Note: Due to the size of the final regulation, it is not being published here. A copy of the regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 972 06-01-24.htm>**

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)  
16 DE Admin. Code 5000

### ORDER

#### Fair Hearings

#### NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Fair Hearings, specifically, to clarify policy and procedures. The Department's proceedings to amend its regulations were initiated pursuant to 29 Del.C. §10114 and its authority as prescribed by 31 Del.C. §512.

The Department published its notice of proposed regulation changes pursuant to 29 Del. C. §10115 in the March 2024 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by April 1, 2024, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

#### **SUMMARY OF PROPOSAL**

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

#### **Background**

The Patient Protection and Affordable Care Act modernized the means by which an application can be filed. We are proposing a policy change that facilitates individual's ability to exercise their fair hearing rights through the same modalities that can be used to submit an application.

In accordance with section 1413(b)(1)(A) of the Patient Protection and Affordable Care Act and CFR § 431.221 Request for Hearing, the agency must accept an application from the applicant, an adult who is in the applicant's household or family, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant, and any documentation required to establish eligibility--

- (1) Via the internet website;
- (2) By telephone;
- (3) Via mail;

(4) In person; and

(5) Through other commonly available electronic means.

Currently the Division of Social Services Manual defines a Medical Assistance fair hearing request as any clear, written expression by the appellant or his authorized agent that the individual wants to appeal a decision to a higher authority. We are proposing a change to enable applicants and beneficiaries to request a Medical Assistance fair hearing via all the same modalities as are available for individuals to submit an application. For that reason, we are proposing to redefine Medical Assistance fair hearing requests as any clear expression (oral or written).

We believe that facilitating individuals' ability to exercise their fair hearing rights through modernizing how a Medical Assistance fair hearing request can be made is as important as, and no more inherently burdensome than, modernizing how an application can be filed. The proposed change will add two new types of Medical Assistance fair hearing requests: telephonic and online fair hearing requests.

#### **Statutory Authority**

- 1413(b)(1)(A) of the Patient Protection and Affordable Care Act
- 42 CFR § 431.221 Request for hearing

#### **Purpose**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM) 5000 and 5304 regarding Fair Hearings.

#### *Summary of Proposed Changes*

Effective for services provided on and after June 11, 2024, Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) proposes to amend the Delaware Social Services Manual (DSSM) to clarify internal policy and procedures regarding Fair Hearings.

#### *Public Notice*

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on April 1, 2024.

#### *Centers for Medicare and Medicaid Services Review and Approval*

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

#### *Provider Manuals and Communications Update*

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

#### **Fiscal Impact Statement**

There is no anticipated fiscal impact.



## Summary of Comments Received with Agency Response and Explanation of Changes

**Comment:** Comments were received suggesting the language "by the appellant or his authorized agent" be changed to a gender-neutral pronoun, or to add the female pronoun making it consistent with other language in the regulation.

**Agency response:** DMMA appreciates the suggestion and agrees with amending the language to "by the appellant or his/her authorized agent" making it consistent with the language throughout the regulation.

**Comment:** Suggested that the wording of 5304.2 which states "Hearing Office Determines if Hearing Request is Valid" be changed to "Hearing Officer Determines if Hearing Request is Valid". "Office" is an error as Section 5304.2 describes the duties and responsibilities of the Hearing Officer.

**Agency response:** DMMA acknowledges the error and agrees with correcting the word to "Officer".

**Comment:** There were comments supporting the proposed changes as they enable Delaware Medicaid to comply with federal law and expands the means by which individuals may request Fair Hearings.

**Agency response:** DMMA appreciates the support.

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

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

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

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

## FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the March 2024 Register of Regulations should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 Del.C. §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) and Title XIX Medicaid State Plan regarding Fair Hearings, specifically, to clarify policy and procedures, and shall be final effective June 11, 2024.

5/28/2024 | 12:57 PM EDT

Date of Signature

Josette D. Manning Esq.  
Cabinet Secretary, DHSS

**\*Please Note: Due to the size of the final regulation, it is not being published here. A copy of the regulation is available at:**

<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 975 06-01-24.htm>

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**

**Board of Accountancy**

Statutory Authority: 24 Delaware Code, Section 105(a)(1) (24 **Del.C.** §105(a)(1))

24 **DE Admin. Code** 100

**ORDER**

**100 Board of Accountancy**

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on April 17, 2024 at a scheduled meeting of the Delaware Board of Accountancy ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations.

Proposed amendments to subsections 5.3 and 10.12 delete provisions that are no longer applicable due to the passage of time.

Proposed amendments to subsection 6.2.2.8 enlarge the time during which an applicant is allowed to pass examinations required for licensure by 24 **Del.C.** §107(d).

Proposed amendments to Sections 7.0 and 9.0 set forth new standards applicable to continuing professional education for licensed certified public accountants and public accountants licensed. The Board promulgates rules pertaining to continuing professional education pursuant to 24 **Del.C.** §105(a)(8) and §110(d-e). The amendments relate to the types of activities that qualify as continuing professional education and the licensees' responsibilities to record and report their participation in qualifying continuing professional education.

The other proposed amendments reflect technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 27, Issue 9. This proposed amendment was offered in place of a previous proposal that was published in the *Delaware Register of Regulations* in Vol. 26, Issue 12 because the new proposal was substantively different than the original submission. The Board planned to hold a hearing at its July 19, 2023 meeting but at that meeting the Board determined to cancel the hearing in order consider a more substantial revision to its continuing professional education rules. Revisions to the Board's rules and regulations were discussed during subsequent public meetings of the Board. At its January 17, 2024 meeting, the Board determined to propose a substantively different amendment to its rules and regulations.

The Board held a public hearing on April 17, 2024 in the second-floor conference room C of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was May 2, 2024. No public comment was received during the hearing and no written comments were submitted.

The Board deliberated on the proposed revisions at its regularly scheduled meeting on May 15, 2024.

**Summary of the Evidence and Information Submitted**

The following exhibits were made a part of the record:

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

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

At the public hearing on April 17, 2024, no public comment was received.

No written comments were submitted during the statutory comment period.

## Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. There were no comments provided to the Board in writing or during the public hearing.

Pursuant to 24 **Del.C.** § 105(a)(1), the Board has the statutory authority to promulgate rules and regulations in accordance with the procedures specified in the Administrative Procedures Act. The Board finds reason to amend the regulations as proposed and hereby takes action to do so.

The Board has reviewed the proposed regulation as required by 29 **Del.C.** § 10118(b)(3) and has determined that any assessment of the impact of the proposed regulation on the achievement of the State's greenhouse gas emission reduction targets or on the State's resiliency to climate change is not practical in view of the nature of the proposed amendments.

## Decision and Effective Date

The Board hereby adopts the changes to the rules and regulations as proposed, to be effective July 1, 2024, which is more than 10 days following publication of this Order in the Register of Regulations. The new rules and regulations are attached.

**IT IS SO ORDERED** this 15th day of May, 2024.

### Board of Accountancy

/s/ Chadwick Milton, President, CPA, /s/ Miriam Wilson, PA, Professional Member  
Professional Member

/s/ Thomas Shopa, Secretary, CPA, /s/ Jean Davis, Accountancy Educator, Public Member  
Professional Member

/s/ Jonathan Moll, CPA, Professional Member [ABSENT] Kristopher Musselman, Public Member

[ABSENT] Scott Brown, CPA, Professional Member [VACANT] VACANT, Public Member

/s/ Angela Hodges, CPA, Professional Member

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

**\*Please note that no changes were made to the regulation as originally proposed and published in the March 2024 issue of the *Register* at page 666 (27 DE Reg. 666). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 978 06-01-24.htm>**

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# FINAL REGULATIONS

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## DIVISION OF PROFESSIONAL REGULATION

### Board of Pharmacy

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

#### ORDER

#### 2500 Board of Pharmacy

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on February 21, 2024 at a scheduled meeting of the Delaware Board of Pharmacy ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations. Subsections 5.1.5.1 and 5.1.5.2 have been amended to add an effective date of 6 months after the effective date of the regulation. Subsection 5.1.5.2 has been revised to state that the required written agreement must be between the dispensing pharmacy and the ordering physician or facility. Currently, subsection 5.1.5.2 states that the agreement must be between the pharmacist and physician or facility.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 27, Issue 7, on January 1, 2024. Notice of the February 21, 2024 hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News*. Exhibit 2. Pursuant to 29 Del.C. § 10118(a), the date to receive final written comments was March 7, 2024, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on March 26, 2024.

#### Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.  
Board Exhibit 2: *Delaware State News* Affidavit of Publication.

There were no comments presented by testimony at the public hearing on February 21, 2024. Further, no written comments were submitted.

#### Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. There were no public comments provided to the Board either in writing or during the public hearing.

Pursuant to 24 Del.C. § 2506(a)(1), the Board has the statutory authority to promulgate rules and regulations. Having received no comments, either by testimony or in writing, the Board finds no reason to amend the regulations as proposed.

#### Decision and Effective Date

The Board has reviewed the proposed regulation as required by 29 Del.C. § 10118(b)(3) and has determined that any assessment of the impact of the proposed regulation on the State's resiliency to climate change is not practical. The Board further finds that the rules and regulations shall be adopted as final in the form proposed. These changes will become effective ten days following publication of this Final Order in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** this 26th day of March 2024.

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## DELAWARE BOARD OF PHARMACY

/s/ Ruth Dixon, R.Ph.  
President

/s/ Nicholas Juliano, PharmD

/s/ Mark Freebery, PharmD  
Vice President

/s/ Solomon Ezembakwe, PharmD

Joshua Coffield, PharmD (ABSENT)

/s/ Lakeisha Cunningham

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

**\*Please note that no changes were made to the regulation as originally proposed and published in the January 2024 issue of the *Register* at page 500 (27 DE Reg. 500). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 980 06-01-24.htm>**

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## OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

Statutory Authority: 4 Delaware Code, Sections 304 and 721 (4 Del.C. §§304 and 721)

### ORDER

### 911 A Rule Permitting Limited Self-Delivery of Beer

#### SUMMARY OF THE EVIDENCE

1. Title 4, Section 304 of the Delaware Code authorizes the Alcoholic Beverage Control Commissioner to establish regulations in relation to all powers, duties and functions vested pursuant to the regulation of alcoholic beverages in Delaware.
2. Pursuant to 4 Del.C. § 304, the Alcoholic Beverage Control Commissioner intends to create a new regulation, at 4 DE Admin. C. 911 to conform with the statute at 4 Del.C. §721, and to authorize Delaware licensed breweries to choose to self-deliver their beer to Delaware licensed retailers.
3. Notice of the proposed regulation change was published in the April 1, 2024 edition of the *Delaware Register of Regulations*, and the public was given thirty (30) days to provide written comment.
4. Public comments were received for the proposed regulations, all of which are supportive and positive of the changes.
5. Having provided the opportunity for public comment on the proposed regulations in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., this is the Commissioner's Order adopting the proposed regulations with minor, non-substantive changes.

#### FINDINGS OF FACT

The Commissioner finds that it is necessary to adopt the proposed regulations as published previously in order to conform with 4 Del.C. §721, and to authorize Delaware licensed breweries to self-deliver their product to Delaware licensed retailers. The Commissioner further finds that minor, non-substantive changes to the regulation were needed for ease of reading.

#### NARRATIVE ASSESSEMENT OR STATEMENT

The Commissioner states that an assessment is not practical for this regulation, as to the achievement of the State's greenhouse gas emissions reduction targets or the impact of this regulation on the State's resiliency to climate change, or that any such impact will be de minimis.

#### DECISION AND ORDER TO ADOPT THE REGULATION

For the foregoing reasons, the Commissioner concludes that it is appropriate to adopt 4 DE Admin. Code 911 in which the text of the final regulations shall be in the form referenced herein and with minor, non-substantive changes, and said regulations shall be adopted in accordance with this Order. The effective date of this Order shall be ten days after the publication of this Order and the non-substantive changes in the *Delaware Register of Regulations*.

IT IS SO ORDERED this 9<sup>th</sup> day of May 2024 by the Office of the Delaware Alcoholic Beverage Control Commissioner.

The Honorable Jacqueline Paradee Mette, Esq.  
Commissioner

**911 A Rule Permitting Limited Self-Delivery of Beer**  
***(Break in Continuity of Sections)***

**4.0 Procedures**

- 4.1 A Delaware licensed brewery, producing no more than 5,000 barrels of beer a year across all suppliers or manufacturers that share common ownership and control as defined in 4 Del.C. §512G(b), may apply, upon forms provided by the Commissioner, for authorization to self-deliver its own beer produced at the licensee's approved premises as follows:
- 4.1.1 The brewery ~~[must may]~~ submit an application for ~~[a warehouse, an additional facility to warehouse beer,]~~ and provide such documentation as required by the Commissioner, including a lease, landlord approval, and a floor plan.
- 4.1.2 No more than 1,500 barrels of beer, or its equivalent, may be self-delivered annually by the brewery.
- 4.1.3 Only the brewery and its employees may deliver its manufactured beer and only in vehicles owned or leased by the brewery.
- 4.1.4 On a quarterly basis, a report documenting each sale shall be filed electronically with the Commissioner that includes the following:
- 4.1.4.1 The date and address of each licensee to whom a delivery was made during the prior quarter;
- 4.1.4.2 The quantity of products delivered and whether the product was provided by the bottle, can, half bottle, keg, half keg, quarter keg, or sixtel; and
- 4.1.4.3 The total gallons delivered during the quarter. The brewery shall track total gallons delivered through self-delivery so as not to exceed 1,500 barrels of beer delivered through self-delivery, per year.
- 4.1.5 Self-delivery over 1,500 barrels a year will result in forfeiture of the authorization to self-deliver.
- 4.2 ~~[If approved by the Commissioner, a brewery may use an additional facility to warehouse beer.~~
- ~~4.2.1 The brewery must submit an application for a warehouse, and provide such documentation as required by the Commissioner, including a lease, landlord approval, and a floor plan.~~
- ~~4.2.2] The filing fee for an application for a warehouse is \$25, and the inspection fee is \$100.~~

\*Please note that no additional changes were made to the regulation as originally proposed and published in the April 2024 issue of the *Register* at page 759 (27 DE Reg. 759). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 981 06-01-24.htm>

## PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 209(a)(1) and 1014(e) (26 Del.C. §§209(a)(1) & 1014(e))  
26 DE Admin. Code 3001

### ORDER

#### 3001 Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities

IN THE MATTER OF THE ADOPTION OF RULES  
AND REGULATIONS TO  
IMPLEMENT THE PROVISIONS OF 26 Del.  
C. CH. 10 RELATING TO THE CREATION  
OF A COMPETITIVE MARKET FOR RETAIL  
ELECTRIC SUPPLY SERVICE  
(OPENED APRIL 27, 1999; RE-OPENED  
JANUARY 7, 2003; SEPTEMBER 22, 2009;  
SEPTEMBER 7, 2010; JULY 17, 2012; JULY 14,  
2021; AND OCTOBER 12, 2022)

PSC REGULATION DOCKET NO. 49

### ORDER NO. 10430

**AND NOW**, this 18<sup>th</sup> day of April 2024, the Delaware Public Service Commission ("Commission") determines and orders as follows:

**WHEREAS**, under the provisions of 26 Del. C. §209(a)(1) and 29 Del. C. §10114, the Commission is authorized to grant or deny proceedings for the adoption, amendment, or repeal of a regulation upon the motion of an agency member; and

**WHEREAS**, on December 20, 2023, by Order No. 10354, the Commission re-opened Regulation Docket No. 49, as the Commission found that amendments to the *Rules for Certification and Regulation of Electric Suppliers, Net Metering and Community Energy Facilities Rules*, 26 Del. C. § 3001 et seq. ("Rules") were necessary to separate Electric Suppliers, Community Energy Facility, and Net Energy Metering to relieve administrative burden on Staff, as well as provide benefit to the public for ease of reference; and

**WHEREAS**, Order No. 10354 approved publication of the proposed amendments to the Rules ("Proposed Rules"), directed the Secretary of the Commission ("Secretary") to transmit the Proposed Rules to the Registrar of Regulations ("Registrar") for publication in the February edition of the *Delaware Register of Regulations*, as required by 29 Del. C. § 10113, and in accordance with 26 Del. C. § 209(a) and 29 Del. C. § 10118(a), stated that the Commission would hold a public hearing on the Proposed Rules on March 6, 2024, with the public comment period remaining open until March 21, 2024; and

**WHEREAS**, pursuant to 26 Del. C. § 102A, the Secretary published the required public notice on the Commission's website located at <https://depssc.delaware.gov>, and in *The News Journal* newspapers and in the *Delaware State News* newspapers, with the certification of the completion of these tasks filed on January 23, 2024; and

**WHEREAS**, pursuant to 26 Del. C. § 209(a) on March 6, 2024, the Commission conducted a public hearing to consider written comments submitted by February 27, 2024; and

**WHEREAS**, no written comments were submitted for the March 6, 2024 public hearing; and

**WHEREAS**, no oral public comments were provided at the March 6, 2024 public hearing; and

**WHEREAS**, the public comment period remained open until March 21, 2024<sup>1</sup>; and

**WHEREAS**, no written comments were received by the March 21, 2024 comment deadline; and



<sup>1</sup> 29 Del. C. §10118(a) requires that the opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing on a proposed regulation.

**WHEREAS**, the Commission has reviewed the proposed regulation as required by 29 Del. C. § 10118(b)(3)<sup>2</sup> and has determined that if promulgated, any assessment of the impact of the proposed regulation is not practical.

**WHEREAS**, Staff has made no changes to the Proposed Rules as published in the February 2024 edition of the *Delaware Register of Regulations*; and,

**WHEREAS**, the Commission finds that the Proposed Rules as published in the February 2024 edition of the *Delaware Register of Regulations* are administratively beneficial for Staff, and provide the public a greater ease of reference. The Commission finds that it is appropriate to adopt the Proposed Rules as final;

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

1. That, for the reasons set forth above, the Commission hereby approves as final the attached *Rules for Certification and Regulation of Electric Suppliers*, 26 Del. Admin. C. § 3001. A marked-up version of the Rules reflecting the amended sections is attached as Exhibit "A".

2. That, pursuant to 29 Del. C. §§ 10113 and 10118, the Secretary shall transmit a copy of this Order, with the attached exhibits, to the Registrar of Regulations for publication in the June 1, 2024 edition of the *Delaware Register of Regulations*. An exact copy of the Rules shall be published as the current official regulations in the *Delaware Register of Regulations*.

3. That, pursuant to 29 Del. C. § 10118(g), the effective date of the proposed final regulation shall be the later of May 11, 2024, or ten (10) days after publication in the *Delaware Register of Regulations*.

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

<sup>2</sup> 29 Del. C. §10118(b)(3) requires the Commission to include in the order a brief narrative assessment of the impact, if any, of the regulation on the achievement of the State's greenhouse gas emissions reduction targets, as specified in

§ 10003 of Title 7, and the impact of the regulation on the State's resiliency to climate change, or a statement that any such impact will be de minimis or that such assessment is not practical for the regulation. If prepared, the narrative assessment should include a brief description of the agency's efforts to consider climate change, resiliency, and the State's greenhouse gas emissions reduction targets in developing the regulation.

**BY ORDER OF THE COMMISSION:**

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

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST: Crystal Beenik, Commission  
Secretary

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

**\*Please note that no changes were made to the regulation as originally proposed and published in the February 2024 issue of the *Register* at page 585 (27 DE Reg. 585). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 983 06-01-24.htm>**

## PUBLIC SERVICE COMMISSION

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

### ORDER

#### 3012 Rules for Regulation of Net Metering

IN THE MATTER OF THE ADOPTION OF  
RULES AND REGULATIONS TO  
IMPLEMENT THE PROVISIONS OF TITLE  
26 §1014 OF THE DELAWARE CODE  
RELATING TO NET METERING  
(OPENED OCTOBER 25, 2023)

PSC REGULATION DOCKET NO. 65

#### ORDER NO. 10431

**AND NOW**, this 18<sup>th</sup> day of April 2024, the Delaware Public Service Commission ("Commission") determines and orders as follows:

**WHEREAS**, under the provisions of 26 Del. C. § 209(a)(1) and 29 Del. C. § 10114, the Commission is authorized to grant or deny proceedings for the adoption, amendment, or repeal of a regulation upon the motion of an agency member; and

**WHEREAS**, on December 20, 2023, the Commission re-opened Regulation Docket No. 49, as Commission Staff ("Staff") found that amendments to the *Rules for Certification and Regulation of Electric Suppliers, Net Metering and Community Energy Facilities Rules*, 26 Del. C. § 3001 et seq. ("Rules") were necessary to separate Electric Suppliers, Community Energy Facility, and Net Energy Metering to relieve administrative burden on Staff, as well as provide benefit to the public for ease of reference; and

**WHEREAS**, on December 20, 2023, Staff requested that the Commission open Regulation Docket No. 65 for the promulgation of the *Rules for Regulation of Net Metering* ("Proposed Net Metering Rules"), and create a new section of Title 26 Administrative Code, Section 3012 ("Section 3012") for the Proposed Net Metering Rules; and

**WHEREAS**, on December 20, 2023, by Order No. 10355, the Commission opened this docket, approved publication of the Proposed Net Metering Rules, directed the Secretary of the Commission ("Secretary") to transmit the Proposed Net Metering Rules to the Registrar of Regulations ("Registrar") for publication in the February edition of the *Delaware Register of Regulations*, as required by 29 Del. C. § 10113, and in accordance with 26 Del. C. § 209(a) and 29 Del. C. § 10118(a), stated that the Commission would hold a public hearing on the proposed amendments on March 6, 2024, with the public comment period remaining open until March 21, 2024; and

**WHEREAS**, pursuant to 26 Del. C. § 102A, the Secretary published the required public notice on the Commission's website located at <https://depssc.delaware.gov>, and in *The News Journal* newspapers and in the *Delaware State News* newspapers, with the certification of the completion of these tasks filed on January 23, 2024; and

**WHEREAS**, pursuant to 26 Del. C. § 209(a) on March 6, 2024 the Commission conducted a public hearing to consider written comments submitted by February 27, 2024; and

**WHEREAS**, no written comments were submitted for the March 6, 2024 public hearing; and

**WHEREAS**, no oral public comments were provided at the March 6, 2024 public hearing; and

**WHEREAS**, the public comment period remained open until March 21, 2024;<sup>1</sup> and

**WHEREAS**, no written comments were received by the March 21, 2024 comment deadline; and

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<sup>1</sup> 29 Del. C. §10118(a) requires that the opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing on a proposed regulation.

**WHEREAS**, the Commission has reviewed the proposed regulation as required by 29 *Del. C.* § 10118(b)(3)<sup>2</sup> and has determined that if promulgated, the regulation will support the State's resiliency to climate change by promoting the use of solar energy and installation of solar facilities, giving customers more energy source options and contributing to the State's greenhouse gas emissions reduction targets; and,

**WHEREAS**, Staff has made no changes to the Proposed Net Metering Rules as published in the February 2024 edition of the *Delaware Register of Regulations*; and,

**WHEREAS**, the Commission finds that the Proposed Rules as published in the February 2024 edition of the *Delaware Register of Regulations* are administratively beneficial for Staff, and provide the public a greater ease of reference. The Commission finds that it is appropriate to adopt the Proposed Net Metering Rules as final and to create a new section of the administrative code, 26 *Del. Admin. C.* § 3012;

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

1. That, for the reasons set forth above, the Commission hereby approves as final the attached *Rules for Regulation of Net Metering*, to be codified in the new section, 26 *Del. Admin. C.* § 3012. A marked-up version of the Rules reflecting the amended sections is attached as Exhibit "A".

2. That, pursuant to 29 *Del. C.* §§ 10113 and 10118, the Secretary shall transmit a copy of this Order, with the attached exhibits, to the Registrar of Regulations for publication in the June 1, 2024 edition of the *Delaware Register of Regulations*. An exact copy of the Rules shall be published as the current official regulations in the *Delaware Register of Regulations*.

3. That, pursuant to 29 *Del. C.* § 10118(g), the effective date of the proposed final regulation shall be the later of June 11, 2024, or ten (10) days after publication in the *Delaware Register of Regulations*.

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

<sup>2</sup> 29 *Del. C.* §10118(b)(3) requires the Commission to include in the order a brief narrative assessment of the impact, if any, of the regulation on the achievement of the State's greenhouse gas emissions reduction targets, as specified in § 10003 of Title 7, and the impact of the regulation on the State's resiliency to climate change, or a statement that any such impact will be de minimis or that such assessment is not practical for the regulation. If prepared, the narrative assessment should include a brief description of the agency's efforts to consider climate change, resiliency, and the State's greenhouse gas emissions reduction targets in developing the regulation.

**BY ORDER OF THE COMMISSION:**

/s/ Dallas Winslow, Chairman  
(Voted via Teleconference pursuant to 29 *Del.C.*  
§10006(A)(d))  
Joann Conaway, Commissioner  
Harold Gray, Commissioner  
Manubhai "Mike" Karia, Commissioner  
Kim F. Drexler, Commissioner

ATTEST: Crystal Beenick, Commission  
Secretary

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

**\*Please note that no changes were made to the regulation as originally proposed and published in the February 2024 issue of the *Register* at page 588 (27 *DE Reg.* 588). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/june2024/final/27 DE Reg 985 06-01-24.htm>**

## PUBLIC SERVICE COMMISSION

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

### ORDER

#### 3013 Rules for and Regulation of Community Energy Facilities

IN THE MATTER OF THE ADOPTION OF  
RULES AND REGULATIONS TO  
IMPLEMENT THE PROVISIONS OF  
SENATE BILL NO. 2 (SEPT. 2021) WHICH  
AMENDED TITLES 6, 26, AND  
29 OF THE DELAWARE CODE  
RELATING TO COMMUNITY OWNED  
ENERGY GENERATING FACILITIES  
(OPENED OCTOBER 25, 2023)

PSC REGULATION DOCKET NO. 66

#### ORDER NO. 10432

**AND NOW**, this 18<sup>th</sup> day of April 2024, the Delaware Public Service Commission ("Commission") determines and orders as follows:

**WHEREAS**, under the provisions of 26 Del. C. § 209(a)(1) and 29 Del. C. § 10114, the Commission is authorized to grant or deny proceedings for the adoption, amendment, or repeal of a regulation upon the motion of an agency member; and

**WHEREAS**, on December 20, 2023, the Commission re-opened Regulation Docket No. 49, as Commission Staff ("Staff") found that amendments to the *Rules for Certification and Regulation of Electric Suppliers, Net Metering and Community Energy Facilities Rules*, 26 Del. C. § 3001 et seq. ("Rules") were necessary to separate Electric Suppliers, Community Energy Facility, and Net Energy Metering to relieve administrative burden on Staff, as well as provide benefit to the public for ease of reference; and

**WHEREAS**, on December 20, 2023, Staff requested that the Commission open Regulation Docket No. 66 for promulgation of the *Rules for and Regulation of Community Energy Facilities* ("Proposed CEF Rules"), and create a new section of Title 26 Administrative Code, Section 3013 ("Section 3013") for the proposed regulation; and

**WHEREAS**, on December 20, 2023, by Order No. 10356, the Commission opened this docket, approved publication of the Proposed CEF Rules, directed the Secretary of the Commission ("Secretary") to transmit the Proposed CEF Rules to the Registrar of Regulations ("Registrar") for publication in the February edition of the *Delaware Register of Regulations*, as required by 29 Del. C. § 10113, and in accordance with 26 Del. C. § 209(a) and 29 Del. C. § 10118(a), stated that the Commission would hold a public hearing on the proposed amendments on March 6, 2024, with the public comment period remaining open until March 21, 2024; and

**WHEREAS**, pursuant to 26 Del. C. § 102A, the Secretary published the required public notice on the Commission's website located at <https://depsec.delaware.gov>, and in *The News Journal* newspapers and in the *Delaware State News* newspapers, with the certification of the completion of these tasks filed on January 23, 2024; and

**WHEREAS**, pursuant to 26 Del. C. § 209(a) on March 6, 2024 the Commission conducted a public hearing to consider written comments submitted by February 27, 2024; and

**WHEREAS**, no written comments were submitted for the March 6, 2024 public hearing; and

**WHEREAS**, no oral public comments were provided at the March 6, 2024 public hearing; and

**WHEREAS**, the public comment period remained open until March 21, 2024<sup>1</sup>; and

**WHEREAS**, no written comments were received by the March 21, 2024 comment deadline; and

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<sup>1</sup> 29 Del. C. §10118(a) requires that the opportunity for public written comment shall be extended for a minimum of

15 days after the final public hearing on a proposed regulation.

**WHEREAS**, the Commission has reviewed the proposed regulation as required by 29 *Del. C.* § 10118(b)(3)<sup>2</sup> and has determined that if promulgated, the regulation will support the State's resiliency to climate change by promoting the use of solar energy and installation of solar facilities, giving customers more energy source options and contributing to the State's greenhouse gas emissions reduction targets; and,

**WHEREAS**, Staff has made no changes to the Proposed CEF Rules as published in the February 2024 edition of the *Delaware Register of Regulations*; and,

**WHEREAS**, the Commission finds that the Proposed CEF Rules as published in the February 2024 edition of the *Delaware Register of Regulations* are administratively beneficial for Staff, and provide the public a greater ease of reference. The Commission finds that it is appropriate to adopt the Proposed CEF Rules as final and to create a new section of the administrative code, 26 *Del. Admin. C.* § 3013;

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

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

2. That, pursuant to 29 *Del. C.* §§ 10113 and 10118, the Secretary shall transmit a copy of this Order, with the attached exhibits, to the Registrar of Regulations for publication in the June 1, 2024 edition of the *Delaware Register of Regulations*. An exact copy of the Rules shall be published as the current official regulations in the *Delaware Register of Regulations*.

3. That, pursuant to 29 *Del. C.* § 10118(g), the effective date of the proposed final regulation shall be the later of June 11, 2024, or ten (10) days after publication in the *Delaware Register of Regulations*.

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

<sup>2</sup> 29 *Del. C.* §10118(b)(3) requires the Commission to include in the order a brief narrative assessment of the impact, if any, of the regulation on the achievement of the State's greenhouse gas emissions reduction targets, as specified in § 10003 of Title 7, and the impact of the regulation on the State's resiliency to climate change, or a statement that any such impact will be de minimis or that such assessment is not practical for the regulation. If prepared, the narrative assessment should include a brief description of the agency's efforts to consider climate change, resiliency, and the State's greenhouse gas emissions reduction targets in developing the regulation.

**BY ORDER OF THE COMMISSION:**

/s/ Dallas Winslow, Chairman  
(Voted via Teleconference pursuant to 29 *Del. C.*  
§10006(A)(d))  
Joann Conaway, Commissioner  
Harold Gray, Commissioner  
Manubhai "Mike" Karia, Commissioner  
Kim F. Drexler, Commissioner

ATTEST: Crystal Beenick, Commission  
Secretary

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

**\*Please note that no changes were made to the regulation as originally proposed and published in the February 2024 issue of the *Register* at page 590 (27 *DE Reg.* 590). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

[https://regulations.delaware.gov/register/june2024/final/27\\_DE\\_Reg\\_987\\_06-01-24.htm](https://regulations.delaware.gov/register/june2024/final/27_DE_Reg_987_06-01-24.htm)

**DELAWARE RIVER BASIN COMMISSION**  
**PUBLIC NOTICE**

The Commission's quarterly business meeting will be held on **Wednesday, June 5, 2024** commencing at **10:30 a.m.** at the Tusten Theatre, 210 Bridge Street, Narrowsburg, NY 12764. An agenda will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), at least ten (10) days prior to the meeting date.

For additional information, including a link to the live stream of this event, please visit the DRBC website at [www.drbc.gov](http://www.drbc.gov) or contact Patricia Hausler at [patricia.hausler@drbc.gov](mailto:patricia.hausler@drbc.gov).

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

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**DEPARTMENT OF EDUCATION**  
**PUBLIC NOTICE**

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website:

<https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

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**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE****PUBLIC NOTICE**  
**CHIP Vaccines**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XXI CHIP State Plan Sections 1, 6 and 9, specifically, is to provide an attestation to the CMS assuring that DMMA covers all age-appropriate vaccines for children enrolled in CHIP.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2024. Please identify in the subject line: CHIP Vaccines

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.

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**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**PUBLIC NOTICE**  
**Imported Drugs**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan Attachment 3.1-A page 5, specifically, to allow the importation of FDA unapproved medications for drugs that are currently in

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shortage as determined by FDA/ASHP.

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 and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on July 1, 2024. Please identify in the subject line: Imported Drugs

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.

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**DIVISION OF PUBLIC HEALTH**

**PUBLIC NOTICE**

**4465 Delaware Radiation Control Regulations**

Pursuant to 16 Del.C. §7406, the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the Delaware Radiation Control Regulation and intends to hold it open for public comment per Delaware law. The revisions include:

- Adding definitions in Part A;
- Amending definitions in Part F; and
- Additional formatting and technical changes.

Copies of the proposed regulations are available for review in the June 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Comments will be accepted until 4:30 p.m. on Monday, July 1, 2024, in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:

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

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**DIVISION OF PUBLIC HEALTH**

**PUBLIC NOTICE**

**4466 Radiation Technologists/Technicians (Certification)**

Pursuant to 16 Del.C. §7406, the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the Radiation Technologists/Technicians (Certification) Regulation and intends to hold it open for public comment per Delaware law. The revisions include:

- Amending definitions;
- Amending legal titles;
- Amending certification fees; and
- Additional technical changes.

Copies of the proposed regulations are available for review in the June 1, 2024, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at (302) 744-4951.

Comments will be accepted until 4:30 p.m. on Monday, July 1, 2024, in written form via email to [DHSS\\_DPH\\_regulations@delaware.gov](mailto:DHSS_DPH_regulations@delaware.gov), or by U.S. mail to the following address:



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

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

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 19 **Del.C.** §105, the Delaware Department of Labor ("Department"), Division of Paid Leave ("Division") proposes to introduce amendments to its regulation that is intended to implement the Paid Family Medical Leave ("PFML") insurance program authorized by the Healthy Delaware Families Act of 2022 (the "Act"). The proposed amendments focus on the job retaliation and anti-discrimination provisions of the Act and outlines the way in which the Division will address erroneous payments. The proposed amendments also revise the regulation to align with the capabilities of Delaware LaborFirst, the Division's online administrative portal, and cleans-up some errors in the prior language, such as duplications and inadvertent conflicts between provisions.

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

Christopher Counihan  
Division Director, Division of Paid Leave  
Delaware Department of Labor  
4425 North Market Street, 4th Floor  
Wilmington, DE 19802

Comments may also be directed via electronic mail to [PFML@Delaware.gov](mailto:PFML@Delaware.gov). Any written submission in response to this notice and relevant to the proposed regulations must be received by the above contact at the Delaware Department of Labor no later than 4:00 p.m. EST, on July 1, 2024. The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

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**DEPARTMENT OF STATE****DIVISION OF PROFESSIONAL REGULATION****PUBLIC NOTICE****1900 Board of Nursing**

The Delaware Board of Nursing, pursuant to 24 **Del.C.** § 1904(c), proposes to revise its regulations to clarify when a nurse is eligible for a supervised practice plan, clarify the types of abortions APRNs may perform, and ensure that nurses advise the Board of changes to their email address.

The Board will hold a public hearing on the proposed regulation changes on July 10, 2024 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until July 25, 2024 pursuant to 29 **Del.C.** § 10118(a).

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**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**2500 Board of Pharmacy**

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy ("Board") has proposed revisions to its Rules and Regulations. First, the Board proposes to amend subsection 5.1.6, pertaining to compounding, to state that the definition of "compounding" does not include flavoring of conventionally manufactured medications provided that the flavors used are inert, tested, and do not alter a medication's concentration beyond USP's accepted level of variance. A new Section 21.0 is added in response to significant concerns in the State of Delaware concerning work conditions for pharmacists in the retail setting. The new Section 21.0 provides that the pharmacy permit holder will be responsible for ensuring a safe work environment, including proper staffing, equipment, and training, to ensure the health, safety, and welfare of patients. Pharmacists will be afforded appropriate breaks and not be subject to production quotas. Correspondingly, subsection 3.8, concerning pharmacy technician support, has been moved to the new Section 21.0. Finally, a new Section 22.0 has been added to set forth the parameters where a pharmacist may decline to fill a prescription bases on professional judgment. Accordingly, subsection 3.1.2.4, addressing the right to refuse to fill a prescription on religious, moral, or ethical grounds, has been revised.

A public hearing will be held on June 26, 2024 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [christine.mast@delaware.gov](mailto:christine.mast@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be July 11, 2024. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

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**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**2600 Examining Board of Physical Therapists and Athletic Trainers**

Pursuant to 24 **Del.C.** §2604(a)(1), the Delaware Examining Board of Physical Therapists and Athletic Trainers ("Board") has proposed revisions to its Rules and Regulations. The Board proposes to amend Section 11.0, pertaining to reactivation and reinstatement of licenses. The revisions specify the requirements that must be met after 12 months of inactive or expired status to ensure practitioner competence.

A public hearing will be held on July 23, 2024 at 4:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Examining Board of Physical Therapists and Athletic Trainers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [jessica.lobaccaro@delaware.gov](mailto:jessica.lobaccaro@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be **August 7, 2024**. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

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**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**2930 Council on Real Estate Appraisers**

Pursuant to 24 **Del.C.** §4006(a)(1), the Delaware Council on Real Estate Appraisers ("Council") has proposed revisions to its Rules and Regulations. The Council proposes these amendments to advance its primary objective,

which is to protect the general public, specifically those persons who are the direct recipients of real estate appraisal services, regulated by 24 **Del.C.**, Ch. 40, and its secondary objectives to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public.

Amendments are proposed to Section 2.0 because, starting on January 1, 2026, the qualifying education requirements for licensure and certification will include mandatory hours of study on the topics of valuation bias and fair housing laws and regulations. Continuing education requirements will also change to incorporate mandatory study of these subject matters.

Amendments are proposed to Regulation subsections 2.1.3.4.2.3, 4.1.1, 4.1.7, and 4.1.8 to provide clarification of how and by whom appraisal reports should be signed, including the proper abbreviations to be used by certified and licensed appraisers when signing appraisal reports.

Amendments are proposed to Section 9.0. These propose to delete provisions regarding record-keeping which are superfluous because of the requirements of the Delaware Freedom of Information Act, 29 **Del.C.**, Chapter 100. The new Section 9.0 provides regulation regarding the registration, pursuant to 24 **Del.C.** §4022, of Appraisal Management Companies, which was previously not addressed within the Council's regulations.

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

The Council will hold a public hearing on July 16, 2024, at 9:30 a.m. in conference room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address or to [Tashana.Branch@delaware.gov](mailto:Tashana.Branch@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be July 31, 2024. The Council will deliberate on all the public comments at its regularly scheduled meeting thereafter.

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**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF TRANSPORTATION SOLUTIONS**  
**PUBLIC NOTICE**

**1208 Electronic Traffic Monitoring for Vehicle Obstructions System**

Pursuant to the authority provided by 21 **Del.C.** §302(a) and 4137, the Delaware Department of Transportation (DelDOT) established an Electronic Traffic Monitoring for Vehicle Obstructions System (Block the Box) program at qualifying intersections across the State of Delaware.

The Department, through its Division of Transportation Solutions seeks to adopt this regulation to administer the Block the Box program, which is established in support of DelDOT's goals of minimizing congestion, allowing for the continued movement of all road users, and improved emergency vehicle movement at signalized intersections along roadways with a Principal Arterial or Other Arterial functional classification.

**Public Comment Period**

DelDOT will take written comments on the proposed Regulation 1208 of Title 2, Delaware Administrative Code, from June 1, 2024 through July 1, 2024. The public may submit their comments to:

Peter Haag, P.E.  
Chief of Traffic Engineering  
([Peter.Haag@delaware.gov](mailto:Peter.Haag@delaware.gov)) or in writing to his attention,  
Delaware Department of Transportation  
Division of Transportation Solutions  
169 Brick Store Landing Road  
Smyrna, DE 19977