
Delaware Register of Regulations

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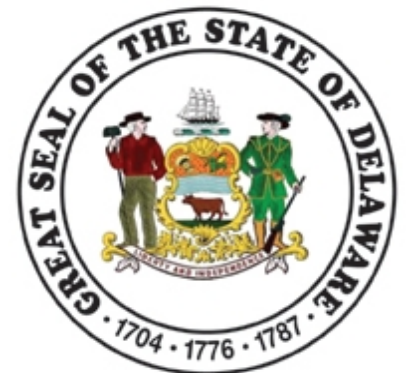
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Calendar of Events &
Hearing Notices



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 September 15, 2024.

Cover Photo
Wyoming, Delaware

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.

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

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

CITATION TO THE DELAWARE REGISTER

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

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

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

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135.00. Single copies are available at a cost of \$12.00 per issue, including postage. For more information contact the Division of Research at 302-744-4114 or 1-800-282-8545 in Delaware.

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title.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

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

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

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

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

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

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

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

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

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

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**DEPARTMENT OF AGRICULTURE
DELAWARE FOREST SERVICE**

Statutory Authority: 3 Delaware Code, Chapter 10 (3 **Del.C.** Ch. 10)
3 **DE Admin. Code** 401

ERRATA**401 Forest Service Erosion and Sedimentation Regulations**

* **Please Note:** The Department of Agriculture, Delaware Forest Service, regulation, 3 **DE Admin. Code** 401 Forest Service Erosion and Sedimentation Regulations was published as proposed in the *Delaware Register of Regulations*, 28 **DE Reg.** 81 (08/01/24). The following provisions were inadvertently published incorrectly:

Section 1.0 was published as:

These regulations are promulgated under the authority of Section 1011 of Title 3 of the ~~Delaware Code~~ Delaware Code.

Section 1.0 should have read:

These regulations are promulgated under the authority of Section 1011 of Title 3 of the ~~Delaware Code~~ Delaware Code.

Section 3.0 was published as:

~~“DFS” is means~~ the Delaware Forest Service

~~“Secretary” is means~~ the Delaware Secretary of Agriculture

~~“Silvicultural Activity” is defined as “any activity” means any~~ forest management activity, including but not limited to harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for ~~reforestation.”~~ reforestation.

Section 3.0 should have read:

~~“DFS” is means~~ the Delaware Forest ~~Service~~ Service.

~~“Secretary” is means~~ the Delaware Secretary of ~~Agriculture~~ Agriculture.

~~“Silvicultural Activity” is defined as “any activity” means any~~ forest management activity, including but not limited to harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for ~~reforestation.”~~ reforestation.

Subsection 4.2.4 was published as:

4.2.4 ~~document~~ Document the positive benefits of properly managed forests.

Subsection 4.2.4 should have read:

4.2.4 4.2.2.4 ~~document~~ Document the positive benefits of properly managed forests.

Subsection 7.3.5 was published as:

7.3.5 If a potential WQ problem exists on an initial field visit, the Forester will note the problem on the BMP inspection form, including written directions to alleviate the potential problem, to the operator and landowner, and a time limitation of up to ~~five (5)~~ 5 business days to correct the problem. The Forester will notify his/her immediate supervisor of the existence of a potential WQ problem. When the time limitation specified in the recommendation for a potential WQ problem has elapsed, the Forester will return for a second visit. If the problem persists with no extenuating circumstances such as bad weather, all operations will be halted until specified corrective actions have been made to the satisfaction of the Forester.

Subsection 7.3.5 should have read:

- 7.3.5 If a potential WQ problem exists on an initial field visit, the Forester will note the problem on the BMP inspection form, including written directions to alleviate the potential problem, to the operator and landowner, and a time limitation of up to ~~five (5)~~ 5 business days to correct the problem. The Forester will notify ~~his/her~~ the Forester's immediate supervisor of the existence of a potential WQ problem. When the time limitation specified in the recommendation for a potential WQ problem has elapsed, the Forester will return for a second visit. If the problem persists with no extenuating circumstances such as bad weather, all operations will be halted until specified corrective actions have been made to the satisfaction of the Forester.

Subsection 7.3.7 was published as:

- 7.3.7 In the event that an operator vacates a harvest site and WQ problems have not been corrected or resolved, the following actions may be taken at the discretion of the Forestry Administrator. 1) No further E & S permits will be issued for that permittee (operator), nor may that operator legally operate under any existing DFS E & S permits, until all corrections have been made to the satisfaction of the DFS. 2) A fine, not to exceed ~~\$2,000.00~~ \$2,000 may be levied as specified in ~~Title 3, Chapter 10, Subchapter VI, Paragraph 1077.3~~ Del.C. §1077.3.

Subsection 7.3.7 should have read:

- 7.3.7 In the event that an operator vacates a harvest site and WQ problems have not been corrected or resolved, the following actions may be taken at the discretion of the Forestry Administrator.
- 7.3.7.1 4) No further E & S permits will be issued for that permittee (operator), nor may that operator legally operate under any existing DFS E & S permits, until all corrections have been made to the satisfaction of the DFS.
- 7.3.7.2 2) A fine, not to exceed ~~\$2,000.00~~ \$2,000 may be levied as specified in ~~Title 3, Chapter 10, Subchapter VI, Paragraph 1077.3~~ Del.C. §1077.3.

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

DEPARTMENT OF EDUCATION 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

ERRATA

1564 Physical Education Teacher

* **Please Note:** The Department of Education, Professional Standards Board, regulation, 14 **DE Admin. Code** 1564 Physical Education Teacher was published as proposed in the *Delaware Register of Regulations*, 27 **DE Reg.** 944 (06/01/24). Subsection 4.1.1.5 was inadvertently published incorrectly.

Subsection 4.1.1.5 was published as:

- ~~4.1.1.5 If the applicant is applying for an Initial License after the applicant completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school as provided in subsection 4.1.3.1 of 14 **DE Admin. Code** 1510, earned a bachelor's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 15 college credits or an equivalent number of hours in professional development with 1 credit equating to 15 hours taken either as part of a~~

~~degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department related to physical education of which at least 6 credits focus on pedagogy. If the applicant has been issued an Initial License and a Physical Education Teacher Emergency Certificate after the applicant has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, as provided in subsection 4.1.3.1 of 14 DE Admin. Code 1510, in order to be issued the Physical Education Teacher Standard Certificate, the applicant shall have satisfactorily completed 15 college credits from a Regionally Accredited college or university in generic or content-specific education courses that are applicable to the Physical Education Teacher Standard Certificate of which at least 6 credits focus on pedagogy and as approved by the Department. A course is applicable to the Physical Education Teacher Standard Certificate if the course is equivalent to a course that is included in the curriculum of an equivalent education degree from a program approved by the Department.~~

Subsection 4.1.1.5 should have read:

- 4.1.1.5 ~~If the applicant is applying for an Initial License after the applicant completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school as provided in subsection 4.1.3.1 of 14 DE Admin. Code 1510, earned a bachelor's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 15 college credits or an equivalent number of hours in professional development with 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department related to physical education of which at least 6 credits focus on pedagogy. If the applicant has been issued an Initial License and a Physical Education Teacher Emergency Certificate after the applicant has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, as provided in subsection 4.1.3.1 of 14 DE Admin. Code 1510, in order to be issued the Physical Education Teacher Standard Certificate, the applicant shall have satisfactorily completed 15 college credits from a Regionally Accredited college or university in generic or content-specific education courses that are applicable to the Physical Education Teacher Standard Certificate of which at least 6 credits focus on pedagogy and as approved by the Department. A course is applicable to the Physical Education Teacher Standard Certificate if the course is equivalent to a course that is included in the curriculum of an equivalent education degree from a program approved by the Department.~~

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

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF AGRICULTURE**OFFICE OF THE SECRETARY**

Statutory Authority: 3 Delaware Code, Chapter 12 (3 **Del.C.** Ch. 12)
3 **DE Admin. Code** 601

PUBLIC NOTICE**601 Delaware Pesticide Rules and Regulations**Summary

The Delaware Department of Agriculture proposes to amend its Regulations adopted in accordance with Title 3, Chapter 12 of the Delaware Code. The purpose of the proposed regulation is to bring this regulation into compliance with the updated Federal Certification and Training Rule. The recommended change to subsection 7.7.7 deletes the Miscellaneous Pest Control (7G) category. The recommended changes to subsection 8.5.2.4 deletes Miscellaneous Pest Control (7G) and adds Aerial Pest Control (11). Other regulations issued by the Delaware Department of Agriculture are not affected by this proposal. The Delaware Department of Agriculture is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the October 1, 2024 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South Dupont Highway Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Department of Agriculture at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before November 1, 2024. Written materials submitted will be available for inspection at the above address.

*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/october2024/proposed/28 DE Reg 252RFA 10-01-24.pdf>

601 Delaware Pesticide Rules and Regulations (Break in Continuity of Sections)

7.0 Categorization of Commercial Applicators (Adopted from 40 CFR §171.101 with the exception of (k) and (l))

(Break in Continuity Within Section)

- 7.7 Industrial, Institutional, Structural and Health Related Pest Control Category. This category includes commercial applicators using or supervising the use of pesticides in, on, or around food handling establishments, including warehouses and grain elevators, and any other structures and adjacent areas, public or private; human dwellings, institutions, such as schools and hospitals, industrial establishments; and for the protection of stored, processed or manufactured products. This category contains the following subcategories:

(Break in Continuity Within Section)

- ~~7.7.7 Miscellaneous Pest Control (7G). This subcategory includes commercial applicators using or supervising the use of pesticides in a category not previously covered in these regulations.~~

(Break in Continuity Within Section)

8.0 Standards For Certification of Commercial Applicators

(Break in Continuity Within Section)

8.5 Commercial Applicator Certification Fees, Renewal, and Expiration

8.5.1 Certification Fees

- 8.5.1.1 Commercial applicators shall pay an annual certification fee of \$30. All certifications shall continue in full force until December 31st of each year whereupon they shall become invalid unless renewed, except that a certification for which a renewal application has been submitted to the Department by November 30th, shall remain in full force and effect until the Department gives notice to the applicant of renewal or denial. Applications for renewal shall be mailed to all certified applicators by the Department before October 1st of each year.
- 8.5.1.2 Federal, State or Local government employees who are certified under this law are exempt from this fee. This exemption shall remain valid only when applying or supervising the application of pesticides for the employing governmental agencies.

8.5.2 Certification Renewal

(Break in Continuity Within Section)

- 8.5.2.4 The number of hours of training required are specified as follows:

Category of Pest Control	Hours
Agricultural Plant (1A)	8
Agricultural Animal (1B)	4
Fumigation of Soils and Agricultural Commodities (1C)	4
Forest (02)	4
Ornamental and Turf (03)	8
Seed Treatment (04)	2
Aquatic (5A)	4

PROPOSED REGULATIONS

Anti-fouling Paint (5B)	2
Mosquito (5C)	4
Right-of-Way (06)	4
Industrial, Institutional, Structural and Health Related (07)	
General Pest Control (7A)	18
Wood Destroying Pest Control (7B)	18
Fumigation Pest Control (non-agricultural) (7C)	4
Wood Preservatives (7D)	4
Institutional and Maintenance (7E)	18
Cooling Towers (7F)	4
Miscellaneous (7G)	4
Public Health (08)	4
Regulatory (09)	4
Demonstration and Research (10)	8
Aerial Pest Control (11)	4

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 252 10-01-24.htm>

DEPARTMENT OF EDUCATION OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 505 and 511 (14 Del.C. §§505 & 511)
14 DE Admin. Code 275

PUBLIC NOTICE

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

275 Charter Schools

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §505 and 511, the Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 275. The regulation has been updated to ensure that charter schools can add or modify enrollment preferences that are prompted by an act of the General Assembly through a minor modification instead of a major modification for a period of 2 years from the effective date of the act. There are also amendments to make grammatical and technical corrections to comply with the Delaware Administrative Code Manual.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://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 October 31, 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? Not applicable.
2. Will the amended regulation help ensure that all students receive an equitable education? House Bill 354 gives the dependent children of active military members, full-time Delaware National Guard members, and active-duty members of a reserve component of the US military priority in choice and charter enrollment. The amendment to Regulation 275 will ensure that charter schools can implement this bill and future acts of legislation related to school preferences in a timely and efficient manner, without the need for a major modification.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Not applicable.
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amendment to Regulation 275 will ensure that charter schools can implement acts of legislation related to school preferences in a timely and efficient manner, without the need for a major modification.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? Decision making will remain with the charter school board. Accountability will remain with the authorizer of each charter school.
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? Not applicable.
9. Is there a less burdensome method for addressing the purpose of the regulation? This is the least burdensome method.
10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no cost to the State or local boards.

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 254RFA 10-01-24.pdf>

275 Charter Schools
(Break in Continuity of Sections)

9.0 Modifications of Charters

(Break in Continuity Within Section)

- 9.8 Major modifications. A major modification is any proposed change to a charter, including proposed changes to any condition placed on the charter, which would:
 - 9.8.1 Replace, remove or permit the school to operate without an educational management organization providing administrative, managerial or instructional staff or services to the charter school at any time on or after the first instructional day; or
 - 9.8.2 Alter enrollment preferences, except alterations prompted by an act of the General Assembly adding or modifying enrollment preferences in 14 Del.C. Ch. 5. Such alterations will be regarded as minor modifications for 2 years from the effective date of the act; or
 - 9.8.3 Result in an increase or decrease in the school's total authorized enrollment of more than 15%, provided further the major modification request must be filed between November 1st and December 31st and, if approved, shall be effective the following school year; or
 - 9.8.4 Alter grade configurations; or

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- 9.8.5 At any time after the first instructional day, offer educational services at a site other than the site approved as part of the school's charter, except where such change is the unavoidable result of a loss by fire or other "casualty" as that term is defined in Black's Law Dictionary; or
- 9.8.6 At any time before the first instructional day, offer educational services at a site other than the site approved as part of the school's charter, provided that the charter has not previously been amended to change the school's site; or
- 9.8.7 Alter any of the following: the school's mission, goals for student performance, or educational program; or
- 9.8.8 Alter the charter school's performance agreement with the Department; or
- 9.8.9 Alter the charter school's charter to satisfy the provisions of the federal Elementary and Secondary Education Act of 1965 (ESEA) or any reauthorization thereof.
- 9.8.10 Transfer of the charter, and of oversight of that charter school, from another authorizer to the Department, before the expiration of the charter term, shall be made by filing a written petition with the Department, on a form approved by the Department, by the public charter school or its original authorizer. The Department will approve a transfer only where the charter school is fully in compliance with the current terms of its charter and any applicable rules, regulations and statutes. The Department may impose conditions upon the transfer in order to ensure continuing compliance with the approval criteria and the regulations of the Department.
- 9.9 Minor modifications
- 9.9.1 A minor modification is any proposed change to a charter, including proposed changes to any condition placed on the charter, which is not a major modification. Minor modifications include, ~~but are not limited to:~~
- 9.9.1.1 Changes to the name of either the charter school or charter holder; or
- 9.9.1.2 The first extension of any deadline imposed on the charter school or charter holder by 30 working days or less (or by 15 calendar days in the case of the first instructional day); or
- 9.9.1.3 In the case of a charter school which is open with students in attendance, offering educational services at a site other than, or in addition to, the site approved as part of the school's charter, when use of the approved site has unavoidably been lost by reason of fire or other casualty as that term is defined in Black's Law Dictionary; or
- 9.9.1.4 An increase or decrease in the school's total authorized enrollment of more than 5%, but not more than 15%, provided further the minor modification request must be filed between November 1st and December 31st and, if approved, shall be effective the following school year; or
- 9.9.1.5 ~~Alter, expand or enhance~~ Altering, expanding, or enhancing existing or planned school facilities or structures, including any plan to use temporary or modular structures, provided that the applicant demonstrates that the school will maintain the health and safety of the students and staff and remain economically viable as provided in subsection 4.4; or
- 9.9.1.6 Any change in the school's agreement with an educational management organization other than as set forth in subsections 9.4.3 and 9.8.1; or
- 9.9.1.7 A change to the current authorized number of hours, either daily or annually, devoted to actual school sessions. Regardless of any proposed change, the school shall maintain the minimum instructional hours required by Title 14 of the **Delaware Code**; or
- 9.9.1.8 A change in the terms of the current site facilities arrangements including a lease to a purchase or a purchase to a lease arrangement; or
- 9.9.1.9 Altering enrollment preferences when prompted by an act of the General Assembly adding or modifying enrollment preferences in 14 Del.C. Ch. 5. This type of alteration will only be regarded as minor modifications for 2 years from the effective date of the act after such time alterations to enrollment preferences will be regarded as major modifications.
- 9.9.2 The Secretary may decide the minor modification application based on the supporting documents supplied with the application unless the Secretary finds that additional information is needed from the applicant.

- 9.9.3 The Secretary may refer a minor modification request to the Accountability Committee for review if the Secretary determines, in the Secretary's sole discretion, that such review would be helpful in the Secretary's consideration of the application. If the Secretary refers a minor modification application to the Accountability Committee, the Secretary may decide the application based on any report from the Committee and the supporting documents related to the application. The applicant for a minor modification shall be notified if the minor modification request has been forwarded to the Accountability Committee. The applicant may be asked to provide additional supporting documentation.
- 9.9.4 The Secretary may deny a minor modification request if the supporting documentation is incomplete or insufficient provided the applicant has been advised additional information was needed
- 9.9.5 Upon receiving an application for a minor modification, the Secretary shall notify the State Board of the application and the Secretary's decision on whether to refer the application to the Accountability Committee.
- 9.9.6 The meeting and hearing process provided for in Section 511(h), (i) and (j) of the Charter School Law shall not apply to a minor modification application even where the Secretary refers the application to the Accountability Committee.
- 9.9.7 Decisions for minor modifications to a charter may be decided by the Secretary within 30 working days from the date the application was filed, unless the timeline is waived by mutual agreement of the Secretary and the applicant, or in any case where the Secretary, in the sole discretion of the Secretary, deems that it would be beneficial to either refer the matter to the Accountability Committee or to seek advice from the State Board prior to deciding the matter.

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 254 10-01-24.htm>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)
14 DE Admin. Code 1021

PUBLIC NOTICE

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

1021 DIAA Committees

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 DE Admin. Code 1021 DIAA Committees. The proposed amendments eliminate non-existent committee, change the name of two committees, add a committee for girls' wrestling, eliminate the requirement that a Board member be on every committee, and eliminate the requirement that public committee members must have lived in Delaware for at least three years.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before November 4, 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 proposed change will have no effect on student achievement.
2. Will the amended regulation help ensure that all students receive an equitable education? The proposed change will have no effect on the receipt of an equitable education.
3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The proposed change will have no effect on student health and safety.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed change will have no effect on students' legal rights.
5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation will have no effect on the authority and flexibility of decision makers at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.
7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 Del.C. §304).
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation will have no effect on state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.
9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.
10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state or to the local school boards of compliance with the amended regulation.

***Please Note: 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/october2024/proposed/28 DE Reg 257RFA 10-01-24.pdf>

1021 DIAA Committees

1.0 Content

This regulation sets forth the process for an individual to be appointed or removed as a member of 1 of the ~~27 standing committees~~ or committees, another committee, or subcommittee established by the Delaware Interscholastic Athletic Association's Board of Directors pursuant to 14 **Del.C.** §304(2). In addition, this regulation outlines committees' reporting requirements to the Board.

2.0 Definitions

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

"Board" means the Delaware Interscholastic Athletic Association Board of Directors established pursuant to 14 **Del.C.** ch. 3.

"Department" means the Delaware Department of Education established pursuant to 14 **Del.C.** §101.

"DIAA" means the Delaware Interscholastic Athletic Association established pursuant to 14 **Del.C.** §301.

3.0 Standing Committees

3.1 The Board has established the following standing committees:

3.1.1 The recognized sport committees are:

3.1.1.1 Baseball Committee

- 3.1.1.2 Boys' Basketball Committee
- 3.1.1.3 Boys' Lacrosse Committee
- 3.1.1.4 Boys' Soccer Committee
- 3.1.1.5 Boys' Volleyball Committee
- 3.1.1.6 Boys' Wrestling Committee
- ~~3.1.1.6~~ 3.1.1.7 Cross Country Committee
- ~~3.1.1.7~~ 3.1.1.8 Field Hockey Committee
- ~~3.1.1.8~~ 3.1.1.9 Football Committee
- ~~3.1.1.9~~ 3.1.1.10 Girls' Basketball Committee
- ~~3.1.1.10~~ 3.1.1.11 Girls' Lacrosse Committee
- ~~3.1.1.11~~ 3.1.1.12 Girls' Soccer Committee
- ~~3.1.1.12~~ 3.1.1.13 Girls' Volleyball Committee
- 3.1.1.14 Girls' Wrestling Committee
- ~~3.1.1.13~~ 3.1.1.15 Golf Committee
- ~~3.1.1.14~~ 3.1.1.16 Softball Committee
- ~~3.1.1.15~~ 3.1.1.17 Swimming and Diving Committee
- ~~3.1.1.16~~ 3.1.1.18 Tennis Committee
- ~~3.1.1.17~~ 3.1.1.19 Track and Field Committee
- ~~3.1.1.18~~ Wrestling Committee
- 3.1.2 The other committees are:
 - 3.1.2.1 Awards Competition Committee
 - ~~3.1.2.2~~ Classification Committee
 - ~~3.1.2.3~~ 3.1.2.2 Officials Committee
 - 3.1.2.4 Rules and Regulations Committee
 - ~~3.1.2.5~~ Scheduling Committee
 - ~~3.1.2.6~~ 3.1.2.4 Sports Medicine Advisory Committee
 - ~~3.1.2.7~~ 3.1.2.5 Sportsmanship Committee
 - ~~3.1.2.8~~ 3.1.2.6 Student-Athlete Development Committee and Student Athlete Advisory Subcommittee
 - ~~3.1.2.9~~ 3.1.2.7 Unified Sports® Committee
- 3.2 The Board may appoint additional committees to assist in the performance of its duties.

4.0 Committee and Subcommittee Membership

- 4.1 Committees shall consist of no less than 10 and no more than 15 committee members ~~in addition to 1 current Board member~~. Notwithstanding the foregoing, the Unified Sports® Committee shall consist of no less than 10 and no more than 18 committee members ~~in addition to 1 current Board member~~ and shall include 1 representative for each Unified Sport® recognized by DIAA. ~~The Student-Athlete Advisory Subcommittee shall consist of no less than 10 and no more than 21 subcommittee members.~~
- 4.2 Committee members shall have expertise in the committee's subject matter.
- 4.3 Committee membership shall be as provided in subsections 4.3.1 through ~~4.3.5~~ 4.3.3.
 - ~~4.3.1~~ ~~Each committee shall include a current Board member as a member of the committee except for the Student-Athlete Advisory Subcommittee.~~
 - ~~4.3.2~~ 4.3.1 ~~In addition to 1 current Board member, each~~ Each recognized sport committee, as provided in subsection 3.1.1, may consist of the following members:
 - ~~4.3.2.1~~ 4.3.1.1 At least 1 athletic director from a DIAA Member School. If there are 2 or more athletic directors on a recognized sport committee, the athletic directors shall be from DIAA Member Schools in different counties;

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- ~~4.3.2.2~~ 4.3.1.2 One representative each from the Blue Hen, Diamond State, Henlopen, and Independent Conferences;
- ~~4.3.2.3~~ 4.3.1.3 One non-conference representative;
- ~~4.3.2.4~~ 4.3.1.4 One coaches' association representative;
- ~~4.3.2.5~~ 4.3.1.5 One officials' association representative from each DIAA-recognized association in the applicable sport; and
- ~~4.3.2.6~~ 4.3.1.6 At least 1 public member who is a current Delaware resident at the time of application. If there are 2 or more public members on a recognized sport committee, the public members shall reside in different counties in Delaware.
- ~~4.3.3~~ 4.3.2 All other committees, including the committees provided in subsection 3.1.2, may consist of the following members:
- ~~4.3.3.1~~ 4.3.2.1 Administrators from DIAA Member Schools in different counties;
- ~~4.3.3.2~~ 4.3.2.2 Athletic directors from DIAA Member Schools in different counties;
- ~~4.3.3.3~~ 4.3.2.3 Coaches from DIAA Member Schools in different counties;
- ~~4.3.3.4~~ 4.3.2.4 Local school board members from DIAA Member Schools in different counties;
- ~~4.3.3.5~~ 4.3.2.5 Officials who officiate at DIAA Member Schools;
- ~~4.3.3.6~~ 4.3.2.6 Public members who ~~resided in Delaware for at least 3 years prior to being appointed to the committee~~ are current Delaware residents at the time of application and who reside in different counties ~~in Delaware~~;
- ~~4.3.3.7~~ 4.3.2.7 Physicians and sports medicine professionals who hold an active, unencumbered license to practice in Delaware;
- ~~4.3.3.8~~ 4.3.2.8 School staff members from DIAA Member Schools in different counties;
- ~~4.3.3.9~~ 4.3.2.9 DIAA State Interpreters;
- ~~4.3.3.10~~ 4.3.2.10 Coaches' association representatives; and
- ~~4.3.3.11~~ 4.3.2.11 Mental health professionals who hold an active, unencumbered license to practice in Delaware.
- ~~4.3.4~~ 4.3.3 The Student-Athlete Development Committee may also include school counselors, mental health professionals, and school climate or student discipline personnel from DIAA Member Schools in different counties.
- ~~4.3.5~~ ~~Notwithstanding subsection 4.3.3, the Student Athlete Advisory Subcommittee shall be comprised of student athletes. The student athletes shall be from DIAA Member Schools in different counties in Delaware.~~
- 4.4 The Executive Director shall make a call for applications to fill vacancies on committees. Prospective and current committee members shall submit a DIAA Committee Application to the DIAA Office. The Executive Director and the committee's chairperson shall review the applications and make recommendations to the Board for approval and appointment or reappointment.
- 4.5 Each committee shall elect a chairperson, vice chairperson, and secretary every 2 years.
- 4.5.1 The committee chairperson shall preside over all meetings of the committee.
- 4.5.2 The committee's vice chairperson shall serve in the capacity of the committee's chairperson in the chairperson's absence.
- ~~4.6~~ ~~The Executive Director shall make a call for applications to fill vacancies on the Student Athlete Advisory Subcommittee. Prospective and current subcommittee members shall submit a DIAA Committee Application to the DIAA Office. The Student Athlete Development Committee shall review the applications and appoint or reappoint members.~~
- ~~4.7~~ 4.6 An individual may be appointed to serve on no more than 1 recognized sport committee during a particular season.
- ~~4.8~~ 4.7 Committee and subcommittee members shall serve staggered 4-year terms.
- ~~4.9~~ 4.8 Committee members who miss 3 consecutive meetings shall be reported to the Board, which may appoint replacement committee members.

- ~~4.10 Members of the Student Athlete Advisory Subcommittee who miss 3 consecutive meetings shall be reported to the Student Athlete Development Committee, which may appoint replacement subcommittee members.~~
- ~~4.11 4.9~~ The Board may remove a committee member whose actions are contradictory to the committee's purpose or DIAA's purpose or are in violation of applicable law. In such case, the Board shall appoint a replacement committee member.
- ~~4.12 The Student Athlete Development Committee may remove a member of the Student Athlete Advisory Subcommittee whose actions are contradictory to the subcommittee's purpose or DIAA's purpose or are in violation of applicable law. In such case, the Student Athlete Development Committee shall appoint a replacement subcommittee member.~~

5.0 Committee Reports and Recommendations

- 5.1 The recognized sport committees, as provided in subsection 3.1.1, shall provide a report to the Board at the conclusion of the state tournament for their sport. The other committees, as provided in subsection 3.1.2, shall provide a progress report to the Board ~~after each meeting~~ on a quarterly basis.
- 5.2 Committees shall submit the report in writing to the DIAA Office or designate at least 1 committee member to deliver the report in writing at the Board's next regularly scheduled meeting.
- 5.3 Recommendations to the Board from committees shall be submitted in writing to the DIAA Office at least 1 week prior to the Board's next regularly scheduled meeting. The committee shall designate at least 1 committee member to attend the Board's meeting and present the committee's recommendation to the Board.

6.0 Administrative Assistance from DIAA Office

~~The Executive Director and the Coordinator of Interscholastic Athletics~~ DIAA shall provide administrative assistance to the committees ~~before, during, and after committee meetings~~ subject to the ~~Department's~~ Executive Director's approval and supervision.

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** 1540

PUBLIC NOTICE

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

1540 Secondary English Language Arts Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

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** 1540 Secondary English Language Arts Teacher. The regulation concerns the requirements for a Secondary 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, in Section 2.0, the term "Employing Authority" has been revised to eliminate a redundant phrase and the definition of "Regionally Accredited" has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies. Also, subsection 3.2 has been revised to eliminate a redundant phrase and subsection 6.2 has been added.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before November 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 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 Secondary 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/october2024/proposed/28 DE Reg 261RFA 10-01-24.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/october2024/proposed/28 DE Reg 261 10-01-24.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 1542

PUBLIC NOTICE

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

1542 Secondary 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 1542 Secondary Mathematics Teacher. The regulation concerns the requirements for a Secondary 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, in Section 2.0, the term "Employing Authority" has been revised to eliminate a redundant phrase and the definition of "Regionally Accredited" has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies. Also, subsection 3.2 has been revised to eliminate a redundant phrase and subsection 6.2 has been added.

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

PROPOSED REGULATIONS

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 Secondary 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/october2024/proposed/28 DE Reg 263RFA 10-01-24.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/october2024/proposed/28 DE Reg 263 10-01-24.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 1543

PUBLIC NOTICE

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

1543 Secondary 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** 1543 Secondary Science Teacher. The regulation concerns the requirements for a Secondary 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, in Section 2.0, the term "Employing Authority" has been revised to eliminate a redundant phrase and the definition of "Regionally Accredited" has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies. Also, subsection 3.2 has been revised to eliminate a redundant phrase and subsection 6.2 has been added.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before November 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 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 Secondary 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/october2024/proposed/28 DE Reg 264RFA 10-01-24.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/october2024/proposed/28 DE Reg 264 10-01-24.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 1544

PUBLIC NOTICE

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

1544 Secondary 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 1544 Secondary Social Studies Teacher. The regulation concerns the requirements for a Secondary 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, in Section 2.0, the term "Employing Authority" has been revised to eliminate a redundant phrase and the definition of "Regionally Accredited" has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies. Also, subsection 3.2 has been revised to eliminate a redundant phrase, subsection 4.1.2 has been revised to add the Praxis Subject Assessment - Social Studies (ETS Test Code #5581), and subsection 6.2 has been added.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before November 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 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 Secondary 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/october2024/proposed/28 DE Reg 266RFA 10-01-24.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/october2024/proposed/28 DE Reg 266 10-01-24.htm>

PROPOSED REGULATIONS

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 1550

PUBLIC NOTICE

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

1550 Agriscience 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 1550 Agriscience Teacher. The regulation concerns the requirements for an Agriscience Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 4.1.1.4, 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 5.3.2. The revisions to subsection 4.1.1.4 and striking subsection 5.3.2 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, in Section 2.0, the term "Employing Authority" has been revised to eliminate a redundant phrase and the definition of "Regionally Accredited" has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies. Also, subsection 3.2 has been revised to eliminate a redundant phrase and subsection 6.2 has been added.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before November 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 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 Agriscience 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/october2024/proposed/28 DE Reg 268RFA 10-01-24.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/october2024/proposed/28 DE Reg 268 10-01-24.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** 1596

PUBLIC NOTICE

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

1596 Charter School Leader

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** 1596 Charter School Leader. The regulation concerns the requirements for a Charter School Leader Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include revising Section 1.0 to add instructional administrators; adding a definition of the term "Instructional Administrator" in Section 2.0; revising the term "Regionally Accredited" based on the changes the U.S. Department of Education made to its recognition of accrediting bodies in Section 2.0; adding reciprocity language and striking a redundant phrase in Section 3.0; revising the requirements in Section 4.0; adding Section

5.0, which concerns reciprocity; and revising the application requirements in Section 6.0.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before November 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 education, knowledge, and skill requirements in Section 4.0 and the requirements for reciprocity in Section 5.0 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 and the requirements for reciprocity in Section 5.0 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 Charter School Leader Standard Certificate but whose effectiveness is documented by the school. The amended regulation does not change a charter school's ability to submit such a request. Section 7.0 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 6.0 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: 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/october2024/proposed/28 DE Reg 269RFA 10-01-24.pdf>

1596 Charter School Leader

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Charter School Leader Standard Certificate pursuant to 14 **Del.C.** §1220(a). The Charter School Leader Standard Certificate is required for ~~leaders~~ Instructional Administrators of Charter Schools in Delaware ~~who were hired prior to June 30, 2023~~. The Charter School Leader Standard Certificate authorizes an individual to practice as ~~a leader~~ an Instructional Administrator in a Charter School.
- 1.2 The Charter School Leader Standard Certificate shall not be used to practice as ~~a leader~~ an Instructional Administrator in a traditional or vocational-technical public school in Delaware.
- 1.3 ~~The Charter School Leader Standard Certificate shall not be used for any Charter School Leader hired after June 30, 2023. In order to practice as a leader in a Charter School, the individual must~~ In lieu of the Charter School Leader Standard Certificate, an Instructional Administrator in a Charter School may hold 1 of the following Standard Certificates:
 - 1.3.1 School Principal and Assistant School Principal Standard Certificate (14 **DE Admin. Code** 1591); or
 - 1.3.2 Certified Central Office Personnel (14 **DE Admin. Code** 1592); or
 - 1.3.3 Superintendent or Assistant Superintendent Standard Certificate (14 **DE Admin. Code** 1593); or
 - 1.3.4 Special Education Director (14 **DE Admin. Code** 1594).

2.0 Definitions

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

"Charter School" means a public school that operates under a charter granted by a public school district or the Department pursuant to 14 **Del.C.** Ch. 5.

"Charter School Leader" means an administrator at a charter school.

"Department" means the Delaware Department of Education.

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

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

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.

"Instructional Administrator" means a charter school administrator ~~who supervises and evaluates educators, instructs students by means of designing and implementing curriculum, or instructs, trains, mentors, or coaches teachers.~~

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

"Regionally Accredited" means ~~educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education~~ institutional accreditation from an agency that was designated as a regional accreditor before July 1, 2020, and is currently recognized by the U.S. Secretary of Education as a reliable indicator of the institution's educational quality.

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

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

"Valid and Current License or Certificate" means a current full or permanent certificate or license as an educator issued by another state or jurisdiction. This means the applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Charter School Leader Standard Certificate to an applicant who:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or
 - 3.1.2 Has met the requirements for an educator's license in Delaware and presents proof of a Valid and Current License or Certificate as a ~~charter school leader~~ Charter School Leader issued by another state or ~~jurisdiction~~ jurisdiction whose requirements are substantially similar to the requirements in Section 4.0 of this regulation; or
 - 3.1.3 Has met the requirements for an educator's license in Delaware and meets the requirements set forth in Section 5.0 of this regulation.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Charter School Leader Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include ~~but are not limited to~~ conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 The applicant shall have satisfied the requirements in subsections 4.1.1 ~~and 4.1.2~~ through 4.1.3.
- 4.1.1 The applicant earned a bachelor's degree from a Regionally Accredited college or university in any content area.
 - 4.1.2 ~~The applicant completed a charter leader portfolio by June 30, 2024 and earned a rating of accomplished based on the Delaware Performance Appraisal System II for administrators.~~ satisfactorily completed an alternative routes for licensure or certification program for Charter School Leaders as provided in 14 Del.C. §§1260 - 1266 and 14 DE Admin. Code 291.
 - 4.1.3 The applicant shall have completed a minimum of 4 years of 1 of the following experience requirements in subsections 4.1.3.1 through 4.1.3.6.
 - 4.1.3.1 Experience as an Educator in a Charter School.
 - 4.1.3.2 Leadership experience in an educational or other setting.
 - 4.1.3.3 Related services in a Charter School.
 - 4.1.3.4 Military leadership experience.
 - 4.1.3.5 Teaching experience in a public school, independent or private school, or postsecondary institution.
 - 4.1.3.6 Any combination of the experience options outlined in subsections 4.1.3.1 through 4.1.3.5 for a minimum of 4 years of experience altogether.

5.0 Reciprocity

- 5.1 If an applicant is already licensed or certified as a Charter School Leader in a state or jurisdiction whose requirements are not substantially similar to the requirements in Section 4.0, the applicant shall

have satisfied the requirements in subsections 5.1.1 through 5.1.3 in order for the Department to issue a Charter School Leader Standard Certificate:

- 5.1.1 The applicant shall hold a Valid and Current License or Certificate as a charter school leader.
- 5.1.2 The applicant shall have completed a preparation program for charter school leaders.
- 5.1.3 The applicant shall have earned a bachelor's degree from a regionally accredited college or university.

6-9 6.0 Application Requirements

- ~~5-4~~ 6.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- ~~5-2~~ 6.2 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 **Del.C.** §1219 and it could delay the processing or result in the denial of the application for a Charter School Leader Standard Certificate.
- ~~5-3~~ 6.3 For an applicant who is applying under subsection 3.1.1 of this regulation, the following documentation is required with the application for a Charter School Leader Standard Certificate:
 - ~~5-3-4~~ 6.3.1 Official transcript from the applicant's Regionally Accredited college or university.
 - ~~5-3-1-4~~ 6.3.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - ~~5-3-1-2~~ 6.3.1.2 Sealed paper transcripts may be submitted.
 - ~~5-3-1-3~~ 6.3.1.3 The Department will not accept copies of transcripts; and
 - ~~5-3-2~~ 6.3.2 Documentation verifying completion ~~a charter leader portfolio and a rating of accomplished based on the Delaware Performance Appraisal System II for administrators, if applicable of an alternative routes for licensure or certification program for charter leaders as required in subsection 4.1.2;~~ and
 - ~~5-3-3~~ 6.3.3 Additional documentation as required by the Department.
- ~~5-4~~ 6.4 For an applicant who is applying under subsection 3.1.2 of this regulation, the following documentation is required with the application for a Charter School Leader Standard Certificate:
 - ~~5-4-4~~ 6.4.1 An official copy of the Valid and Current License or Certificate; and
 - ~~5-4-2~~ 6.4.2 Additional documentation as required by the Department.
- ~~6.5~~ 6.5 For an applicant who is applying under subsection 3.1.3 of this regulation, the following documentation is required with the application for a Charter School Leader Standard Certificate:
 - ~~6.5.1~~ 6.5.1 An official copy of the valid and current license or certification; and
 - ~~6.5.2~~ 6.5.2 Official transcript from the applicant's regionally accredited college or university.
 - ~~6.5.2.1~~ 6.5.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - ~~6.5.2.2~~ 6.5.2.2 Sealed paper transcripts may be submitted.
 - ~~6.5.2.3~~ 6.5.2.3 The Department will not accept copies of transcripts; and
 - ~~6.5.3~~ 6.5.3 Proof of completion of a preparation program for charter school leaders; and
 - ~~6.5.4~~ 6.5.4 Additional documentation as required by the Department.

6-9 7.0 Secretary of Education Review

The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Charter School Leader Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Charter School Leader Standard Certificate but whose effectiveness is documented by the local school district or charter school. Requests concerning the head of school of the charter school shall be approved by the charter school's

board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

~~7-0~~ **8.0 Validity of a Standard Certificate**

~~7-4~~ **8.1** A Charter School Leader Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

~~7-2~~ **8.2** A Charter School Leader Standard Certificate is not subject to renewal.

~~8-0~~ **9.0 Disciplinary Action**

~~8-4~~ **9.1** An Educator's Charter School Leader Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

~~8-2~~ **9.2** An Educator's Charter School Leader Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.

~~8-3~~ **9.3** An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

~~9-0~~ **10.0 Contact Information and Change of Name or Address**

~~9-4~~ **10.1** All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.

~~9-2~~ **10.2** An Educator who legally changes the Educator's name and wishes to change the name on the Charter School Leader Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

~~9-3~~ **10.3** An applicant or Educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

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

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 XIX Medicaid State Plan General Program Administration and Table of Contents page 66b, Attachment 3.1-A page 6 Addendum 1, Attachment 4.19-B Intro page 5, Attachment 4.19-B Intro page 6, and Attachment 4.19-B Intro page 7.3, specifically, to modify the reimbursement methodology for vaccines and vaccine administration.

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, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2024. Please identify in the subject line: 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 XIX Medicaid State Plan regarding Vaccines.

Statutory Authority

- Inflation Reduction Act (IRA)
- Section 1905(r)(1)(B)(iii) and (5) of the Act
- 42 CFR § 438.4(a)
- 42 CFR § 438.6(c)

Background

On June 27, 2023, the Centers for Medicare & Medicaid Services (CMS) issued guidance on section 11405 of the IRA (Pub. L. 117-169). Statutory amendments made by section 11405 of the IRA require Medicaid coverage and payment for approved adult vaccines recommended by the Advisory Committee on Immunization Practices (ACIP) and their administration, without cost sharing.

Vaccines administered to recommended populations at recommended intervals can reduce morbidity, hospitalizations, and deaths, and save costs. Vaccines may reduce the overall burden of infections, which remain high in the United States. For example, the Centers for Disease Control and Prevention (CDC) estimates that influenza has resulted in between 140,000 to 710,000 hospitalizations and 12,000 to 52,000 deaths annually between 2010 and 2020. An estimated 150,000 individuals per year are hospitalized because of pneumococcal pneumonia. In 2020, there were 5 newly reported cases of hepatitis B per 100,000 persons. The human papillomavirus (HPV) causes more than 37,000 cases of cancer each year.

Vaccination rates are suboptimal for all adults, regardless of health coverage, but for adults enrolled in Medicaid, the vaccination rates for a range of vaccinations are lower than for adults with private health insurance coverage, including influenza, tetanus, herpes zoster, hepatitis A, hepatitis B, and HPV vaccinations. Additionally, the COVID-19 public health emergency (PHE) had a negative impact on the rate of children receiving routine childhood vaccinations. Although child vaccination rates have rebounded since the beginning of the COVID-19 PHE, there is still a gap in child vaccinations compared to prior years.

DMMA will pay for vaccines that are recommended by the Advisory Committee on Immunization Practices (ACIP) and will be covered for adults 18 and older with no cost share.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to comply with the Inflation Reduction Act (IRA) requirement to attest to the coverage of all Advisory Committee on Immunization Practices (ACIP) recommended vaccines and their administration.

Summary of Proposed Changes

Effective October 1, 2024, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to modify the reimbursement methodology for vaccines and vaccine administration.

Public Notice

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

on October 31, 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	\$16,061	\$8,335
Federal funds	\$0	\$0

***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/october2024/proposed/28 DE Reg 274RFA 10-01-24.pdf>

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 274 10-01-24.htm>

DIVISION OF PUBLIC HEALTH

Family Health Services

Statutory Authority: 16 Delaware Code, Sections 122(1), 122(3)h, and 203(a)(1) (16 Del.C.

§§122(1), 122(3)h & 203(a)(1))

16 DE Admin. Code 4103

PUBLIC NOTICE

4103 Inherited Metabolic Disorders

Pursuant to 16 Del.C. §122(1), §122(3)h & §203(a)(1), the Department of Health and Social Services, Division of Public Health is proposing to repeal Regulation 4103 Inherited Metabolic Disorders and intends to hold the regulation open for public comment per Delaware law. The repeal is necessary because the Division of Public Health no longer has designated funding for formula and cannot guarantee formula availability.

Copies of the proposed regulation are available for review in the October 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.

Public comments will be accepted until 4:30 PM on November 1, 2024. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 276RFA 10-01-24.pdf>

4103 Inherited Metabolic Disorders

~~Delaware Code 201 provides for the assistance with the cost of treatment of children with birth defects. Inherited Metabolic Disorders are one such birth defect for which a fund has been established to assist with the cost of treatment.~~

4.0 Purpose

~~Inherited metabolic disorders, if undetected and untreated, can result in severe mental retardation, and possibly death, in infancy. Universal screening and milk product substitution is now a standard of medical care. If a child diagnosed with an inherited metabolic disorder amenable to dietary treatment is not able to maintain a strict dietary regime throughout life the individual will likely be developmentally delayed.~~

~~The Specialty Formula Fund ("Fund") provides that certain expenses for specialty formula, in the on-going treatment of inherited metabolic disorders, may be covered through the Department of Health and Social Services, Division of Public Health, Specialty Formula Fund.~~

~~The purpose of the Fund is to assist families in meeting the high cost of special or metabolic formulas, required to treat inherited metabolic disorders. The Division of Public Health will work to coordinate services and reduce obstacles families encounter regarding information and resource referral.~~

~~Supporting individuals with special health care needs can place economic constraints on families. The cost of special formula may be prohibitive for some families. In situations where special formula has been prescribed by a physician, and not covered by insurance, there is justification to provide economic assistance under the Fund.~~

2.0 Definitions

~~"Case Review Panel" means a group composed of individuals with knowledge of inherited metabolic disorders, whose purpose is to review each newly diagnosed case involving the special formula fund.~~

~~"Inherited Metabolic Disorder," means a disorder caused by an inherited abnormality of body chemistry, which includes those disorders screened for by the state's Newborn Screening Program located within the Division of Public Health.~~

~~"Specialty Formula" means a milk product substitution that is intended for the therapeutic dietary treatment of inherited metabolic disorders for which nutritional requirements are established by medical evaluation.~~

~~"Specialty Formula Fund" means funds provided to the Division of Public Health by the General Assembly, for prescribed specialty formula for women of child bearing age and children with inherited metabolic disorders.~~

3.0 Eligibility

- 3.1 Any Delaware woman of child bearing age or child diagnosed with an Inherited Metabolic Disorder, that warrants the prescription of a specialty formula may be eligible to receive assistance through the Specialty Formula Fund if uninsured or if current insurance benefit does not include this coverage. The

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~~assistance will be based on the current Department of Health and Social Services *Ability to Pay Fee Schedule* (see attached), less the average cost of formula for a normal newborn/infant or citizen using soy-based milk products annually. The Fee Schedule is adjusted annually with the revised federal poverty guidelines.~~

- 3.2 ~~The Division of Public Health may provide assistance from the Fund to a woman of child-bearing age or child diagnosed with an Inherited Metabolic Disorder, if:~~
- 3.2.1 ~~The specialty formula is prescribed as medically necessary for the therapeutic treatment of an Inherited Metabolic Disorder; and~~
 - 3.2.2 ~~The specialty formula is administered under the direction of a physician; and~~
 - 3.2.3 ~~The client's insurer does not provide benefits to cover prescribed formula for inherited metabolic disorder or there are special circumstances as determined by the Division of Public Health, Case Review Panel.~~

4.0 Application

~~The Division of Public Health will:~~

- 4.1 ~~Staff the Case Review Panel; and~~
- 4.2 ~~Review and refer non-compliant woman of child-bearing age, parents/guardians of children with an inherited metabolic disorder to appropriate agencies for follow-up; and~~
- 4.3 ~~Determine, on a case-by-case basis, any assistance to be provided to a woman of child-bearing age or child from this fund.~~

5.0 Roles/Responsibilities

- 5.1 ~~The Division of Public Health will appoint a Case Review Panel to make recommendations to assist the Division of Public Health in determining the assistance provided to a woman of child-bearing age or child from this fund. This group will also act as a case management team for women of child-bearing age, children and their families, if necessary, with public and private providers of health care and/or insurance providers. The members may have a background in metabolic disease. The panel may include a Geneticist, Nutritionist, Newborn Screening Program staff member, a Physician who treats metabolic disorders, and one or more community member(s). The Genetics Director will chair the Case Review Panel and the Division of Public Health will provide staff.~~

~~The Case Review Panel will meet on a regular basis to review cases and make recommendations to the Division of Public Health. All current cases will be reviewed within the first six months of initiation of the Case Review Panel. The Case Review Panel will convene, as needed, to review newly diagnosed cases.~~

6.0 Authorization for Payment

- 6.1 ~~The Division of Public Health may authorize assistance prior to the review of the Case Review Panel in cases of immediate need based on physician prescription.~~
- 6.2 ~~The Division of Public Health may provide assistance based on the physician's prescription, recommendation of the Case Review Panel, the calculation of the quantity of formula needed, economic need, and the availability of appropriated funds.~~
- 6.3 ~~Assistance under this fund is limited to the appropriation of the General Assembly for this purpose.~~
- 6.4 ~~The Division of Public Health will reevaluate each case every year or if health benefit coverage changes.~~
- 6.5 ~~Women of child-bearing age or the parent or guardian of a child receiving assistance from the Fund are obligated to contact the Division of Public Health, immediately, if any changes in status or eligibility occur.~~

7.0 Referrals

-
- 7.1 ~~The Division of Public Health will accept referrals from specialty hospitals, institutions, other state agencies, primary care physicians, other health care professionals, self referrals, or referrals from the family.~~
- 7.2 ~~Referrals should include the following information: client's name, parent or guardian's name, address, phone number, social security number of client, diagnosis, formula prescription type and amount per month, feeding schedule, client's age, financial information, and any pertinent medical data.~~
-

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Chapter 49A (16 Del.C. Ch. 49A)
16 DE Admin. Code 4470

PUBLIC NOTICE

4470 State of Delaware Medical Marijuana Code

Pursuant to 16 Del.C. Ch. 49A and House Bill 285 (84 Del. Laws, c. 264) 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 State of Delaware Marijuana Code and intends to hold them open for public comment per Delaware law. The revisions include:

- Allowing health-care providers to make the determination of whether a patient has a diagnosed medical condition for which the patient would receive therapeutic or palliative benefit from the use of medical marijuana;
- Allowing patients aged 65 and older to self-certify their qualification for a Medical Marijuana Registry Identification Card without a written certification from a health-care provider;
- Authorizing the Department of Health and Social Services to issue Medical Marijuana Registry Identification Cards with 1-, 2-, or 3-year expiration dates;
- Addresses reciprocity of equivalent registry identification cards from another state or territory of the U.S.; and
- Requires the issuance of a Registry Identification Card with an indefinite expiration date where the qualifying patient has a terminal illness.
- Moving a portion of subsection 3.4 to between subsections 3.1.7 and proposed subsection ~~3-23.3~~.
- Technical corrections.

Copies of the proposed regulations are available for review in the October 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.

Public comments will be accepted until 4:30 PM on November 1, 2024. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

***Please Note:**

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 279RFA 10-01-24.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/october2024/proposed/28 DE Reg 279 10-01-24.htm>

DEPARTMENT OF JUSTICE
FRAUD AND CONSUMER PROTECTION DIVISION

Statutory Authority: 29 Delaware Code, Section 2521 (29 **Del.C.** §2521)
6 **DE Admin. Code** 104

PUBLIC NOTICE

104 Privacy Policies for Commercial Online Sites, Services, and Applications

Public Notice

In compliance with the State's Administrative Procedures Act (APA -Title 29, Chapter 101 of the Delaware Code) and 29 **Del.C.** § 2521, the Consumer Protection Unit of the Delaware Department of Justice ("the Consumer Protection Unit") hereby publishes notice of a proposed repeal of a regulation to the Online and Personal Privacy Protection Act (6 **Del.C.** § 1201C et seq.) pursuant to 6 **Del.C.** § 1203C and 29 **Del.C.** § 2521.

Summary of Proposed Repeal

Regulation 104 Privacy Policies for Commercial Online Sites, Services, and Applications was adopted on July 1, 2016 (the "Regulation") shortly after the adoption of the Online and Personal Privacy Protection Act (6 **Del.C.** § 1201C et seq.) (the "Online Act"). The Online Act mandated certain online businesses post a privacy policy with specified information. The purpose of the Regulation was to provide operators of commercial Internet websites, online or cloud computing services, online applications, or mobile applications with optional "safe harbor" language that they may, but are not required to, use in their privacy policies that the Consumer Protection Unit would comply with the disclosure requirements of 6 **Del.C.** §1205C(b) at that time. The Delaware Personal Data Privacy Act was adopted in 2023 (6 **Del.C.** § 12D-101 et seq.) (the "DPDPA") and requires certain business include "reasonably accessible, clear, and meaningful privacy notice" with additional information compared to the Online Act. The "safe harbor" language in the Regulation may not satisfy the DPDPA requirements in certain circumstances and risks causing confusion for businesses about their privacy notice obligations. Accordingly, the Consumer Protection Unit has determined that the "safe harbor" language in the Regulation is no longer appropriate under the Online Act or the DPDPA and has proposed repealing the Regulation.

Possible Terms of the Action Agency

None.

Other Regulations That May be Affected by the Proposal

The Consumer Protection Unit does not believe that other regulations will be impacted.

Notice of Public Comment

Persons wishing to comment on the proposed regulation may submit their comments in writing no later than November 1, 2024, by email to John.Eakins@Delaware.gov or by U.S. mail to the following address:

John Eakins
Department of Justice, Consumer Protection Unit
820 N. French St.
Wilmington, DE 19801

***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/october2024/proposed/28 DE Reg 280RFA 10-01-24.pdf>

104 Privacy Policies for Commercial Online Sites, Services, and Applications

4.0 Introduction and Purpose

The purpose of this regulation is to provide operators of commercial Internet websites, online or cloud computing services, online applications, or mobile applications with optional “safe harbor” language that they may, but are not required to, use in their privacy policies that the Consumer Protection Unit has determined will comply with the disclosure requirements of 6 ~~Del.C.~~ §1205C(b).

2.0 Effective Date

The effective date of this regulation is Friday, July 15, 2016.

3.0 Definitions

3.1 The following terms are defined in 6 ~~Del.C.~~ §1202C and have the same meaning when used in this regulation:

~~“Content”~~

~~“Internet”~~

~~“Operator”~~

~~“Personally identifiable information”~~

~~“Post”~~

~~“User”~~

3.2 For purposes of this regulation, the term “site, service, or application” means an Internet website, online or cloud computing service, online application, or mobile application.

4.0 Optional Safe Harbor Language for Privacy Policies

4.1 Use of the language and format in this Section 4.0 is not mandatory. Operators are free to use alternative language and formats of their choosing that comply with 6 ~~Del.C.~~ §1205C(b).

4.2 Identification of the Categories of Personally Identifiable Information Collected and the Third Party Persons to Whom Such Information May Be Disclosed

4.2.1 Under 6 ~~Del.C.~~ §1205C(b)(1), an operator of a commercial site, service, or application is required to identify in its privacy policy the categories of personally identifiable information it collects from users of its site, service, or application, and the categories of third party persons to whom such information may be disclosed.

4.2.2 An operator shall be deemed to have identified “the categories of personally identifiable information” required by 6 ~~Del.C.~~ §1205C(b)(1), when the operator provides the following disclosures in its privacy policy, if the operator collects, stores, or uses the specified kind of personal information:

Collecting Personally Identifiable Information

We may collect, store, and use the following kinds of personal information:

- Information you provide to us when you register with our [site/service/application], including your [describe the personal information provided by the user upon registration that you collect, store, and use—examples might include first and last names, e-mail address, physical address, telephone number, social security number].
- Information you provide when completing a profile on our [site/service/application], including your [describe the personal information provided by the user upon registration that you collect, store, and use—examples might include first and last names, gender, age, date of birth, education status, employment status, relationship status, hobbies and other interests].
- Information you provide when you subscribe to a newsletter or other periodic report or notification that we provide, including [describe the personal information provided by the

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~~user when they subscribe that you collect, store, and use—such as first and last names and an email address].~~

- ~~• Information about your device or computer, including [your IP address, geolocation, browser type, browser version, device type, operating system, referring [site/service/application]].~~
- ~~• Information about your visits to and use of the [site/service/application], including how you use the [site/service/application], such as [describe the type of information—examples might include the timing, length, frequency, and pattern of use, and the pages, screens, or other displays of information looked at by the user].~~
- ~~• Information relating to any purchases you make of our [goods/services] or any other transactions that you enter into through our [site/service/application], including [describe the information—examples might include first and last names, e-mail address, physical address, telephone number, and payment card information].~~
- ~~• Information that you post to our [site/service/application] for publication on the Internet, including [describe the information—examples might include first and last names, user names, profile pictures, and the actual content of what a user posts].~~
- ~~• Information contained in or relating to any communication that you send to us or send through our [site/service/application], including [describe the information—examples might include the content of the communication and metadata associated with it].~~
- ~~• [Identify and describe any other any other personal information that is collected by the site, service, or application, including when or how the operator collects it.]~~

- 4.2-3 An operator shall be deemed to have identified “the categories of third party persons” required by **6 Del.C. §1205C(b)(1)**, when the operator provides the following disclosures in its privacy policy, if the operator shares a user’s personally identifiable information with the specified third party persons:

Disclosing Personally Identifiable Information With Third Parties

We may disclose personally identifiable information we collect from you to the following third parties, for the purposes specified:

- ~~• **Agents.** [Describe the types of agents to whom the operator may disclose the information, why the operator may disclose it to them, and whether those agents can retain, store, or use the information for any other purposes—examples might include an outside shipping company used to fulfill and deliver orders, or a credit card company that processes sales transactions].~~
- ~~• **Service Providers.** We use third parties to provide [describe the services provided] on our [site/service/application]. If [or When] you sign up for [specified services], we will share [describe the information that will be shared] to the extent necessary in order for the third party to provide that service. [State whether the service providers can retain, store, or use the information for any other purposes.]~~
- ~~• **Affiliates.** We may disclose your personal information to our affiliates, including [describe the types of affiliates, such as the operator’s employees, officers, and directors, the operator’s subsidiaries, the operator’s ultimate parent company, and any other subsidiary of the operator’s ultimate parent company, as appropriate], in order to [describe why the operator might disclose the information to affiliates, and whether the affiliates can retain, store, or use the information for any other purposes].~~
- ~~• **Other Third Parties.** We may disclose to [describe any other types of third parties to whom the operator may disclose a user’s personal information] your [describe what information is disclosed], in order to [describe why the operator may disclose the information to these other types of third parties, and whether these other third parties can retain, store, or use the information for any other purposes].~~
- ~~• **Other Disclosures.** We may also disclose personally identifiable information we collect from you when we are required to do so by law, or when we believe that disclosure is necessary to protect our rights or to comply with a judicial proceeding, court order, or legal process served on our [site/service/application].~~

4.3 Description of Process to Review and Request Changes to Personally Identifiable Information Collected

4.3.1 Under ~~6 Del.C. §1205C(b)(2)~~, an operator of a commercial site, service, or application is required to describe in its privacy policy whether it maintains a process that allows users of the site, service, or application to request changes to their personally identifiable information collected by the operator through the site, service, or application, and, if it maintains such a process, the operator must also describe that process.

4.3.2 An operator that maintains a process that allows users of its site, service, or application to request changes to their personally identifiable information collected by the operator through the site, service, or application, shall be deemed to have made disclosure required by ~~6 Del.C. §1205C(b)(2)~~ when the operator provides the following disclosure in its privacy policy:

Making Changes To Your Information

This ~~[site/service/application]~~ permits you to review and make changes to the personally identifiable information we collect from you. You can make changes by ~~[describe process for a user to review and make changes—examples of such processes could include logging in to the site, service, or application and using available tools, contacting customer support, or by contacting the operator by specified telephone, postal mail, or email].~~

4.3.3 An operator that does not maintain a process that allows users of its site, service, or application to request changes to their personally identifiable information collected by the operator through the site, service, or application, shall be deemed to have made disclosure required by ~~6 Del.C. §1205C(b)(2)~~ when the operator provides the following disclosure in its privacy policy:

Making Changes To Your Information

This ~~[site/service/application]~~ does not maintain a process by which you can review and make changes to the personally identifiable information we collect from you.

4.4 Description of Process for Notifying Users of Material Changes

4.4.1 Under ~~6 Del.C. §1205C(b)(3)~~, an operator of a commercial site, service, or application is required to describe in its privacy policy how it notifies users of its site, service, or application of material changes to its privacy policy.

4.4.2 An operator shall be deemed to have made the disclosure required by ~~6 Del.C. §1205C(b)(3)~~ when the operator provides the following disclosure in its privacy policy:

~~We may modify this privacy policy at any time. If we do, we will [post the revised version here/notify you via email/describe other method of notifying users]. You should periodically check here for the most up-to-date version of this privacy policy. Any changes to the privacy policy will not be retroactively applied and will not alter how we handle personally identifiable information we previously collected from you.~~

4.5 Identification of the Effective Date

4.5.1 Under ~~6 Del.C. §1205C(b)(4)~~, an operator of a commercial site, service, or application is required to identify the effective date of its privacy policy.

4.5.2 An operator shall be deemed to have made the disclosure required by ~~6 Del.C. §1205C(b)(4)~~ when the operator provides the following disclosure in its privacy policy:

~~This privacy policy is effective as of [month day, year].~~

4.6 Description of Response to Web Browser “Do Not Track” Signals

4.6.1 Under ~~6 Del.C. §1205C(b)(5)~~, an operator of a commercial site, service, or application is required to disclose how the site, service, or application responds to web browser “do not track” signals or other mechanisms that are intended to give users the ability to exercise choice regarding the collection of personally identifiable information about a user’s activities, through the use of persistent identifiers such as “cookies,” “pixel tags,” and “web beacons,” over time and across third-party sites, services, or applications. This applies to all persistent identifiers used on the operator’s site, service, or application, regardless of whether those persistent identifiers are placed on the site, service, or application by the operator or a third party such as an advertising service.

PROPOSED REGULATIONS

4.6.2 ~~An operator shall be deemed to have made the disclosure required by 6 Del.C. §1205C(b)(5) when the operator provides the following disclosure in its privacy policy:~~

~~Certain web browsers may provide an option by which you may have the browser inform websites or internet services you visit that you do not wish to have personally identifiable information about your activities tracked by cookies or other persistent identifiers across time and across third party Internet websites, online or cloud computing services, online applications, or mobile applications. These are commonly called “do not track” signals. Our [site/service/application] responds to such signals by [if the site, service, or application takes action in response to such signals, describe the action taken and explain the basis for it; if the site, service, or application is unable to take action, state so and explain why; if the site, service, or application is able to take action but does not take action, state so and explain why].~~

4.7 ~~Disclosure of Third Party Collection of Personally Identifiable Information~~

4.7.1 ~~Under 6 Del.C. §1205C(b)(6), an operator of a commercial site, service, or application is required to disclose in its privacy policy whether anyone other than the operator may collect personally identifiable information about a user’s online activities, over time and across different sites, services, and applications, when a user uses the operator’s site, service, or application.~~

4.7.2 ~~An operator shall be deemed to have made the disclosure required by 6 Del.C. §1205C(b)(6) when the operator provides the following disclosure in its privacy policy:~~

~~We [do not allow/may allow] allow third parties to collect personally identifiable information about a user’s online activities, over time and across different sites, services, and applications, when that user uses our site, service, or application. [If “may allow,” the operator must describe the kinds of third parties who may be permitted to engage in such collection, the purpose for permitting such collection, and what those third parties may do with the information collected — such as, for example, collection of a user’s personally identifiable information by an advertising service for the purpose of directing targeted advertising to the user while using the operator’s or a third-party’s site, service, or application.]~~

5.0 ~~Alternative Safe Harbor to Comply with the Content Requirements of 6 Del.C. §1205C(b)~~

~~An operator of a commercial site, service, or application shall be deemed to have made the disclosures required by 6 Del.C. §1205C(b) if the operator has a privacy policy that complies with the requirements of the California Online Privacy Protection Act (CalOPPA), Cal. Bus. & Prof. Code §§22575–22579.~~

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 confirm that certified nurse midwives may perform out of hospital births, including home births. The proposed changes seek to clarify the return to practice requirements for APRNs who have been out of active clinical practice more than 5 years and increase the minimum number of supervised clinical hours APRN programs must include in their curricula.

The Board will hold a public hearing on the proposed regulation changes on November 13, 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 December 2, 2024 pursuant to 29 Del. C. § 10118(a).

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 284RFA 10-01-24.pdf>

**1900 Board of Nursing
(Break in Continuity of Sections)**

8.0 Rules and Regulations Governing the Practice of Nursing as an Advanced Practice Registered Nurse

(Break in Continuity Within Section)

- 8.7 Generic Functions of the Advanced Practice Registered Nurse within the Specialized Scope of Practice include but are not limited to:

(Break in Continuity Within Section)

8.7.19 The certified nurse midwife may perform out of hospital births consistent with AMCB standards.

(Break in Continuity Within Section)

- 8.11 Application for Licensure by Endorsement

8.11.1 The Board may, by endorsement, license as an Advanced Practice Registered Nurse an applicant who is duly licensed as an Advanced Practice Registered Nurse or is entitled to perform similar services under a different title under the laws of another state, territory or foreign country if, in the opinion of the Board, the applicant meets all qualifications specified by these regulations for Advanced Practice Registered Nurses in this State.

8.11.2 Applicants must submit documentation of graduation from a graduate or post-graduate level APRN program, as evidenced by an official transcript or other official documentation acceptable by the Board, verifying date of graduation and credential conferred; number of clinical hours completed; completion of 3 separate graduate level courses in advanced physiology and pathophysiology, advanced health assessment, advanced pharmacokinetics and pharmacotherapeutics of all broad categories of agents; and role and population focus of the education program.

8.11.3 Applicants must meet the practice requirement of 1500 hours in the past 5 years or no less than 600 hours in the past 2 years in the role and population focus consistent with certification and educational preparation. APRNs who have never practiced and graduated more than 2 years prior to application must either complete a refresher program or complete 24 hours of continuing education with 12 hours in pharmacotherapeutics and 12 hours in the clinical management of patients, all taken within 1 year of submitting the application and complete 600 hours of supervised practice.

8.11.4 APRNs who have been out of active clinical practice more than 5 years must submit 45 hours of pharmacotherapeutics CE taken within 1 year before application and the advanced practice refresher program. If no refresher is available the applicant must complete 600 hours of supervised practice in the appropriate advanced practice role and population with a qualified preceptor within 1 year prior to reinstatement.

(Break in Continuity Within Section)

- 8.16 Required Criteria for APRN Education Programs:

(Break in Continuity Within Section)

8.16.12 Education programs offered by an accredited college or university that offers a graduate degree with a concentration in the advanced nursing practice role and at least 1 population focus or post-masters certificate programs offered by an accredited college or university shall include the following components:

(Break in Continuity Within Section)

- 8.16.12.5 Each instructional track/major shall have a minimum of ~~500~~ 750 supervised clinical hours or the equivalent. The supervised experience is directly related to the role and population focus, including pharmacotherapeutic management of patients; and

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

<https://regulations.delaware.gov/register/october2024/proposed/28 DE Reg 284 10-01-24.htm>

DIVISION OF PROFESSIONAL REGULATION

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

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

24 DE Admin. Code 3700

PUBLIC NOTICE

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

The Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board"), pursuant to 24 Del.C. §3706(a)(1), proposes to amend its regulations. The revisions include clarification of the licensure requirements for the professions regulated by the Board. Specifically, training requirements for hearing aid dispensers are amended to add successful completion of the International Hearing Society's curriculum "Distance Learning for Professionals in Hearing Health Sciences." Proposed amendments also eliminate the cap on the number of times that a hearing aid dispenser applicant may take the licensure examination. Sections pertaining to audiology and speech/language pathology aides are stricken because the Board does not license these professions. In addition, continuing education requirements are amended to add two hours in ethics.

The Board will hold a public hearing on the proposed regulation changes on November 19, 2024, at 2:00 p.m., virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jessica Lobaccaro, Administrative Specialist for the Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or at jessica.lobaccaro@delaware.gov. Written comments will be accepted until December 4, 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/october2024/proposed/28 DE Reg 286RFA 10-01-24.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/october2024/proposed/28 DE Reg 286 10-01-24.htm>

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF AGRICULTURE

DELAWARE FOREST SERVICE

Statutory Authority: 3 Delaware Code, Chapter 10 (3 Del.C. Ch. 10)
3 DE Admin. Code 401

ORDER

401 Forest Service Erosion and Sedimentation Regulations

I. NATURE OF THE PROCEEDINGS

Pursuant to its authority under 3 Del. C. Ch. 10, the Delaware Department of Agriculture sought to amend its regulation regarding Forest Service Erosion and Sedimentation Control to clarify the limitations regarding the use of the Erosion & Sediment Control Permit, eliminate outdated references, and make minor grammatical changes. The change to section 2.0 deletes an outdated document number reference to the Delaware Forestry's Best Management Practices Manual. The changes to section 3.0 include definitions for clarity and make minor grammatical changes for consistency with other regulations. The changes to subsections 5.1, 5.5, and 5.10 expand the notice period required for silvicultural operations and the time period within which the Delaware Forest Service must decide such applications to allow the Delaware Forest Service adequate time to cross check permits with other agencies to make better decisions regarding permit approvals or denial. The remaining changes to section 5.0 delete outdated contact information and make minor grammatical changes for clarity and consistency with other regulations. The changes to subsections 6.1 and 6.3 clarify the limitations regarding the use of the Erosion & Sediment Control Permit. Finally, the change to subsection 7.6 clarifies the time period within which the Forest Administrator may agree to engage in an informal conference with a landowner and operator prior to referring noncompliance with a Special Order to Superior Court. Other regulations issued by the Delaware Department of Agriculture relating to Forest Service Erosion and Sedimentation Control are not affected.

Notice of a public comment period of at least thirty (30) days on the proposed amended regulation was published in the Delaware *Register of Regulations* for August 1, 2024 in accordance with 29 Del. C. §10118(a). This is the Delaware Department of Agriculture's Decision and Order adopting the proposed amended regulation.

II. FINDINGS AND CONCLUSIONS

1. The public was given the required notice of the Delaware Department of Agriculture's intention to adopt the proposed amended regulation and was given ample opportunity to provide comments opposing the plan.
2. There were no public comments provided during the written public comment period.
3. Pursuant to 3 Del.C. §1011, the Delaware Department of Agriculture has statutory authority to promulgate rules and regulations for the enforcement of the state forestry laws and for the protection of forest lands, and impose fines in furtherance thereof.
4. Thus, the Delaware Department of Agriculture concludes that its consideration of the proposed amended regulation was entirely within its statutory authority and, having received no comments opposed to adoption, is now free to adopt the proposed amended regulation.
5. The Delaware Department of Agriculture has reviewed the regulation and has determined that, if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

III. DECISION AND ORDER CONCERNING THE REGULATIONS

AND NOW on this 13th day of September 2024, it is hereby ordered that:

1. The proposed amendments to the Delaware Department of Agriculture's regulations are adopted;
2. The text of the final regulation shall be in the form attached hereto as Exhibit A, which remain unchanged as initially published in the August 1, 2024 *Delaware Register of Regulations*;
3. The effective date of this Order is ten days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 Del. C. §10118(e); and
4. The Delaware Department of Agriculture reserved to itself the authority to issue such other and further orders concerning its regulations as it deems appropriate.

Michael T. Scuse, Secretary
Delaware Department of Agriculture

***Please note that no changes were made to the regulation as originally proposed and published in the August 2024 issue of the *Register* at page 81 (28 DE Reg. 81). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 287 10-01-24.htm>

DEPARTMENT OF EDUCATION OFFICE OF THE SECRETARY

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

ORDER

288 Standards for Professional Learning

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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.

Notice of the proposed regulation was published in the *Register of Regulations* on June 1, 2024. The Department received one written submittal concerning the proposed regulation. Susannah Eaton-Ryan, Chairperson of the State Council for Persons with Disabilities ("SCPD"), commented that "SCPD commends the DOE for incorporating equity principles into the standards for professional learning" and suggested that "disability and ableism be explicitly included when discussing equity practices."

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 SCPD's comment and determined not to make any changes as a result of the comment. The Department finds that disability and ableism are part of the equity principals, including equity practices, foundations, and drivers. The Department further finds that 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. The Department also finds that the proposed regulation, which sets forth the professional learning standards for educators in Delaware public schools, how the standards are applied, and how the standards are enforced, is consistent with the laws of the State and is necessary for the maintenance, administration, and supervision throughout the State of a general and efficient system of free public schools. Accordingly, the Department finds that it is appropriate to adopt 14 **Del. Admin. Code** 288 Standards for Professional Learning.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to adopt 14 **DE Admin. Code** 288 Standards for Professional Learning. Therefore, pursuant to 14 **Del.C.** §122(a), 14 **DE Admin. Code** 288 Standards for Professional Learning, attached hereto as Exhibit A, is hereby adopted.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 288 Standards for Professional Learning adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 288 Standards for Professional Learning in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 26th day of August, 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 June 2024 issue of the *Register* at page 927 (27 DE Reg. 927). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 288 10-01-24.htm>

FINAL REGULATIONS

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 1716E and 1716F (14 **Del.C.** §§1716E & 1716F)
14 **DE Admin. Code** 545

ORDER

545 K to 12 Counseling Programs

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1716E and 1716F, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 545 K to 12 Counseling Programs. The regulation is being amended to add charter schools and a timeline specific to submission of a charter school's counseling plan, to allow for a new school counselor (when the only school counselor in the building), or counselor of a new school building to submit the counseling plan the August following their start or open date, and to make minor corrections. The requirements of the proposed regulation will be effective for charter schools on August 15, 2026.

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

Pursuant to 29 **Del.C.** §10118(c), the Department decided to add "and" to Section 1.0 to be consistent with the language of 14 **Del.C.** §§1716E and 1716F.

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

In accordance with 29 **Del.C.** §10118(c), the Secretary determined that the addition of "and" to Section 1.0 is a nonsubstantive change and that the Department is not required to repropose the regulation with the change.

The Department finds that the amendments are necessary to implement and enforce 14 **Del.C.** §§1716E and 1716F. Accordingly, the Department finds that it is appropriate to amend 14 **Del. Admin. C.** 545 K to 12 School Counseling Programs.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 545 K to 12 Counseling Programs. Therefore, pursuant to 14 **Del.C.** §§1716E and 1716F, 14 **DE Admin. Code** 545 K to 12 Counseling Programs, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 545 K to 12 Counseling Programs amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 545 K to 12 Counseling Programs in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*. The requirements of the regulation apply to charter schools, effective August 15, 2026.

IT IS SO ORDERED the 10th day of September, 2024.

Department of Education

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

545 K to 12 Counseling Programs

1.0 **Content**

Pursuant to 14 **Del.C.** §§1716E and 1716F, this regulation sets forth the requirement that Delaware public schools implement a school counseling program and submit a plan to the Department in order to ensure the mental health services unit **[and]** funding is used in accordance with the law.

~~4.0~~ **2.0 Definitions**

"American School Counselor Association" or **"ASCA"** means the national organization that supports school counselors' efforts to help students focus on academic, career and ~~social/emotional~~ social and emotional development so they achieve success in school and are prepared to lead fulfilling lives as responsible members of society.

"ASCA National Model" means a framework for implementing a comprehensive, data driven school counseling program. The model identifies K-12 ~~College and Career Readiness~~ College-, Career- and Life-Readiness Standards for every student in the domains of academic, career and ~~social/emotional~~ social and emotional development. The model is made up of ~~four~~ 4 components: Define, Manage, Deliver and Assess.

"Department" means the Delaware Department of Education.

~~2.0~~ **3.0 School District Counseling Programs and Written Plans**

~~2.1~~ 3.1 Every school in each district shall implement a comprehensive school counseling program aligned with the American School Counselor Association's (ASCA) National Model.

~~2.2~~ 3.2 Every school in each district shall have a written plan, using the model templates provided by the Department, for the school counseling program that:

~~2.2.1~~ 3.2.1Is implemented by a school counselor who is licensed and certified in accordance with the applicable Professional Standards Board regulations 14 Del.C. Ch. 12.

~~2.2.2~~ 3.2.2Utilizes nationally recognized student standards as defined by the ASCA National Model.

~~2.2.3~~ 3.2.3Aligns vertically K-12 within the district or charter school.

~~2.2.4~~ 3.2.4Contains all ~~four~~ 4 components of the ASCA National Model as follows:

~~2.2.4.1~~ 3.2.4.1The Define component, which consists of the ASCA Mindsets and Behavior Standards for Student Success, ASCA Ethical Standards for School Counselors and the ASCA School Counselor Professional Standards and Competencies.

~~2.2.4.2~~ 3.2.4.2The Manage component, which provides organizational tools and assessments designed to guide, target, structure and construct a school counseling program to get results.

~~2.2.4.3~~ 3.2.4.3The Deliver component, which defines the methods school counselors use to provide activities and services to students and for students through the ~~two~~ 2 broad categories of direct and indirect services.

~~2.2.4.4~~ 3.2.4.4The Assess component, which ensures regular analysis of data to determine program effectiveness in measurable terms and inform program decisions.

~~2.2.5~~ 3.2.5Is on file at the district office and in the school.

~~2.2.6~~ 3.2.6Is reviewed annually and updated ~~as needed~~ by the school counselor in collaboration with the school counselor's building administrator and district or charter school supervisor.

~~3.0~~ **4.0 Reporting Requirements and Timelines**

~~3.1~~ 4.1 Annually, by August 15, every district school shall electronically submit their ~~schools' plans~~ plan to the Department, except as provided in subsections 4.1.1 and 4.1.2. The plans shall reflect any updates pursuant to ~~2.2.6 above~~ subsection 3.2.6.

4.1.1 For any school where there is only 1 school counselor and that school counselor's start date is after August 1st, that school's plan will be due by August 15th of the following year.

4.1.2 For any newly opened school, their school counseling plan submissions will start the August following their first year of operation.

~~3-2~~ 4.2 The Department may periodically monitor for alignment to the requirements in ~~2-0~~ Section 3.0.

5.0 Effective Date for Charter Schools

The requirements of this regulation shall apply to charter schools effective August 15, 2026. Beginning with the August 15, 2026 submission, every charter school shall be subject to the requirements of this regulation.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303(b)(1) (14 **Del.C.** § 303(b)(1))
14 **DE Admin. Code** 1023

ORDER

1023 DIAA Sportsmanship

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** § 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes the adoption of 14 DE Admin. Code 1023 DIAA Sportsmanship. **14 DE Admin. Code 1023** sets forth requirements for sportsmanship in interscholastic athletics in accordance with 14 **Del.C.** §301. The proposed amendments simply eliminate gender specific language and change it to gender neutral language. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on August 1, 2024. The DIAA Board did not receive any written public comment.

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 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.

III. FINDINGS OF FACTS

On September 11, 2024, the DIAA Board considered the written submittals. The DIAA Board found that because there were no written public comments submitted, there was no basis to make any changes to the proposed regulation and voted to approve and adopt **14 DE Admin. Code 1023 DIAA Sportsmanship**.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, DIAA concludes that it is appropriate to adopt **14 DE Admin. Code 1023 DIAA Sportsmanship**. Therefore, pursuant to 14 **Del.C.** § 303(b)(1)d, **14 DE Admin. Code 1023 DIAA Sportsmanship**, attached hereto as Exhibit A, is hereby adopted.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 1023 DIAA Sportsmanship** adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. Code 1023 DIAA Sportsmanship** in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 11th day of September 2024.

/s/ Douglas Thompson, Chairperson	(absent) Jason Miller, Vice Chairperson
/s/ Allison Alpaugh	/s/ Bradley Bley, D.O., FAAP, RMSK, CSCS
/s/ Dorrell Green	(absent) Jackie Griffith
/s/ Bonnie Ingram-Grubb	/s/ Lenny Richardson
(absent) Shawn Larrimore, Ed.D.	/s/ Christian Beretta
(absent) Ted Laws	/s/ Kevin Dickerson, Ed.D.
(Voted in favor; unavailable to sign) Ivan Neal	/s/ Matthew Smith
/s/ Susan Haberstroh	/s/ Kevin Smith

***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 August 2024 issue of the *Register* at page 84 (28 DE Reg. 84). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 292 10-01-24.htm>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303(b)(1) (14 Del.C. § 303(b)(1))
14 DE Admin. Code 1024

ORDER

1024 DIAA Member Schools

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. § 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes the adoption of 14 DE Admin. Code 1024 DIAA Member Schools. The proposed regulations state that under DIAA regulations, students whose gender identity differs from their assigned sex at birth are eligible to participate on a team other than their assigned sex at birth. The proposed changes further note that member schools are responsible for making such eligibility determinations and must do so in compliance with Title IX (20 U.S.C. §§1681- 168). The proposed changes also increase member schools' annual membership fees to account for rising costs DIAA has born from hosting state post-season tournaments. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on August 1, 2024. The DIAA Board did not receive any written public comment.

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 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.

III. FINDINGS OF FACTS

On September 11, 2024, the DIAA Board considered the written submittals. The DIAA Board found that because there were no written public comments submitted, there was no basis to make any changes to the proposed regulation and voted to approve and adopt **14 DE Admin. Code 1024 DIAA Member Schools**.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, DIAA concludes that it is appropriate to adopt **14 DE Admin. Code 1024 DIAA**

FINAL REGULATIONS

Member Schools. Therefore, pursuant to **14 Del.C. § 303(b)(1)**, **14 DE Admin. Code 1024 DIAA Member Schools**, attached hereto as Exhibit A, is hereby adopted.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 1024 DIAA Member Schools** adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. Code 1024 DIAA Member Schools** in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 11th day of September 2024.

/s/ Douglas Thompson, Chairperson	(absent) Jason Miller, Vice Chairperson
/s/ Allison Alpaugh	/s/ Bradley Bley, D.O., FAAP, RMSK, CSCS
/s/ Dorrell Green	(absent) Jackie Griffith
/s/ Bonnie Ingram-Grubb	/s/ Lenny Richardson
(absent) Shawn Larrimore, Ed.D.	/s/ Christian Beretta
(absent) Ted Laws	/s/ Kevin Dickerson, Ed.D.
(Voted in favor; unavailable to sign) Ivan Neal	/s/ Matthew Smith
/s/ Susan Haberstroh	/s/ Kevin Smith

***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 August 2024 issue of the *Register* at page 86 (28 DE Reg. 86). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 293 10-01-24.htm>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303(b)(1)d (14 **Del.C.** § 303(b)(1)d)

ORDER

1030 Student Athlete Eligibility: Amateur Status

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** § 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposed the adoption of 14 **DE Admin. Code** 1030 Student Athlete Eligibility: Amateur Status. The regulations set forth what student athletes may and may not do to retain amateur status and participate in interscholastic athletics. Further, the proposed regulations define "name, image, and likeness" in Delaware and allow student athletes to earn compensation from the use of the name, image, and likeness. The proposed regulations mandate that if any students earn compensation from their name, image, and likeness, the student shall in no way include images of or references to the member school they attend. Finally, other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on July 1, 2024. The DIAA Board did not receive any written public comment.

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 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.

III. FINDINGS OF FACTS

On September 11, 2024, the DIAA Board considered the written submittals. The DIAA Board found that because there were no written public comments submitted, there was no basis to make any changes to the proposed regulation and voted to approve and adopt **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status**.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, DIAA concludes that it is appropriate to adopt **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status**. Therefore, pursuant to 14 Del.C. § 303(b)(1)d, **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status**, attached hereto as Exhibit A, is hereby adopted.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status** adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status** in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 11th day of September 2024.

/s/ Douglas Thompson, Chairperson

/s/ Allison Alpaugh

/s/ Dorrell Green

/s/ Bonnie Ingram-Grubb

(absent) Shawn Larrimore, Ed.D.

(absent) Ted Laws

(Voted in favor; unavailable to sign) Ivan Neal

/s/ Susan Haberstroh

(absent) Jason Miller, Vice Chairperson

/s/ Bradley Bley, D.O., FAAP, RMSK, CSCS

(absent) Jackie Griffith

/s/ Lenny Richardson

/s/ Christian Beretta

/s/ Kevin Dickerson, Ed.D.

/s/ Matthew Smith

/s/ Kevin Smith

***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 July 2024 issue of the *Register* at page 15 (28 DE Reg. 15). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 294 10-01-24.htm>

FINAL REGULATIONS

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), and 1212, 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 amending the titles of Sections 3.0 and 7.0, clarifying subsections 3.3, 9.3, 14.1.4, and 14.1.12, and amending subsection 10.4 to remove the reference to the mentoring playbook and replace it with Department-provided resources. In addition, Section 18.0, which concerns the effective date of the current regulation, is proposed to be stricken.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 DE Admin. Code 1503 Comprehensive Educator Induction Programs, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 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 August 15, 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), 14 DE Admin. Code 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 ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the July 2024 issue of the *Register* at page 18 (28 DE Reg. 18). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 296 10-01-24.htm>

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1211, 1213, and 1218(k) (14 Del.C. §§1203, 1205(b), 1211, 1213 & 1218(k))
14 DE Admin. Code 1511

ORDER

1511 Continuing License

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), 1211, 1213, and 1218(k) the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1511 Continuing License. The regulation concerns the requirements for the issuance, renewal, and retention of a Continuing License in accordance with 14 Del.C. §§1211, 1213, and 1218(k). The proposed amendments include adding the term professional learning throughout the proposed regulation, updating language concerning Comprehensive Educator Induction Programs so that the regulation is consistent with 14 DE Admin. Code 1503, revising Section 6.0, and making other clarifying or nonsubstantive changes throughout the regulation.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 DE Admin. Code 1511 Continuing License, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1511 Continuing License.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1511 Continuing License subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 **DE Admin. Code** 1511 Continuing License. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), 1211, 1213, and 1218(k), 14 **DE Admin. Code** 1511 Continuing License, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1511 Continuing License amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1511 Continuing License in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education:

/s/ Shawn Brittingham, President

/s/ Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the July 2024 issue of the *Register* at page 20 (28 DE Reg. 20). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 297 10-01-24.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

ORDER

1531 Middle Level English Language Arts Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards 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.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President	(Abstain) Rajalakshmi Lodhavia
/s/ Deborah Stevens, Vice President	(Absent) Rev. Provey Powell, Jr.
/s/ Meredith L. Griffin Jr.	
/s/ Harvey Kenton Jr.	

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

*Please note that no changes were made to the regulation as originally proposed and published in the June 2024 issue of the *Register* at page 936 (27 DE Reg. 936). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 298 10-01-24.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 1532

ORDER

1532 Middle Level Mathematics Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 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.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 DE Admin. Code 1532 Middle Level Mathematics Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1532 Middle Level Mathematics Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1532 Middle Level Mathematics Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 DE Admin. Code 1532 Middle Level Mathematics Teacher. Therefore, pursuant to 14 Del.C. §§1203, 1205(b), and 1220, 14 DE Admin. Code 1532 Middle Level Mathematics Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1532 Middle Level Mathematics Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1532 Middle Level Mathematics Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President	(Abstain) Rajalakshmi Lodhavia
/s/ Deborah Stevens, Vice President	(Absent) Rev. Provey Powell, Jr.
/s/ Meredith L. Griffin Jr.	
/s/ Harvey Kenton Jr.	

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

***Please note that no changes were made to the regulation as originally proposed and published in the June 2024 issue of the *Register* at page 937 (27 DE Reg. 937). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 300 10-01-24.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** 1533

ORDER

1533 Middle Level Science Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 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.

Notice of the proposed regulation was published in the *Register of Regulations* on June 1, 2024. The

Professional Standards Board did not receive any written submittals concerning the proposed regulation.

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1533 Middle Level Science Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1533 Middle Level Science Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1533 Middle Level Science Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 **DE Admin. Code** 1533 Middle Level Science Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1533 Middle Level Science Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1533 Middle Level Science Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1533 Middle Level Science Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President

(Abstain) Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the June 2024 issue of the *Register* at page 939 (27 DE Reg. 939). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 301 10-01-24.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 1534

ORDER

1534 Middle Level Social Studies Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 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.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 DE Admin. Code 1534 Middle Level Social Studies Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1534 Middle Level Social Studies Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1534 Middle Level Social Studies Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 DE Admin. Code 1534 Middle Level Social Studies Teacher. Therefore, pursuant to 14 Del.C. §§1203, 1205(b), and 1220, 14 DE Admin. Code 1534 Middle Level Social Studies Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 1534 Middle Level Social Studies Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 DE Admin. Code 1534 Middle Level Social Studies Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

Regulations.

IT IS SO ORDERED the 15th day of August, 2024.

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President	(Abstain) Rajalakshmi Lodhavia
/s/ Deborah Stevens, Vice President	(Absent) Rev. Provey Powell, Jr.
/s/ Meredith L. Griffin Jr.	
/s/ Harvey Kenton Jr.	

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

*Please note that no changes were made to the regulation as originally proposed and published in the June 2024 issue of the *Register* at page 940 (27 DE Reg. 940). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 303 10-01-24.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 1539

ORDER

1539 Health Education Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 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.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1539 Health Education Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1539 Health Education Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1539 Health Education Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 **DE Admin. Code** 1539 Health Education Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1539 Health Education Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1539 Health Education Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1539 Health Education Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President

(Abstain) Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the June 2024 issue of the *Register* at page 942 (27 DE Reg. 942). Therefore, the final regulation is not being**

republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 304 10-01-24.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** 1551

ORDER

1551 Business, Finance, or Marketing Education Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher. The regulation concerns the requirements for a Business, Finance, or Marketing Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include revising subsection 4.1.1.4, 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 5.3.2. The revisions to subsection 4.1.1.4 and striking subsection 5.3.2 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, in Section 2.0, the definition of "Regionally Accredited" 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. Also, subsection 6.2 has been added to clarify Section 6.0.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1551 Business, Finance, or Marketing Education Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the July 2024 issue of the *Register* at page 21 (28 DE Reg. 21). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 306 10-01-24.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 1557

ORDER

1557 Technology and Engineering Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1557 Technology and Engineering Teacher. The regulation concerns the requirements for a Technology and Engineering Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 4.1.1.4, 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 5.3.2. The revisions to subsection 4.1.1.4 and striking subsection 5.3.2 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, in Section 2.0, the definition of "Regionally Accredited" 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. Also, subsection 4.1.2 has been revised to add an additional assessment as an option and subsection 6.2 has been added to clarify Section 6.0.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1557 Technology and Engineering Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1557 Technology and Engineering Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1557 Technology and Engineering Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 **DE Admin. Code** 1557 Technology and Engineering Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1557 Technology and Engineering Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1557 Technology and Engineering Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1557 Technology and Engineering Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the July 2024 issue of the *Register* at page 25 (28 DE Reg. 25). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 307 10-01-24.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

ORDER

1564 Physical Education Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 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.

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

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board voted to propose 14 DE Admin. Code 1564 Physical Education Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1564 Physical Education Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1564 Physical Education Teacher subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved amending 14 DE Admin. Code 1564 Physical Education Teacher. Therefore,

FINAL REGULATIONS

pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1564 Physical Education Teacher, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1564 Physical Education Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1564 Physical Education Teacher in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President

(Abstain) Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the June 2024 issue of the *Register* at page 944 (27 DE Reg. 944). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 309 10-01-24.htm>

PROFESSIONAL STANDARDS BOARD

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

14 **DE Admin. Code** 1598

ORDER

1598 Delaware Professional Development Standards

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards 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 proposes 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.

Notice of the proposed regulation was published in the *Register of Regulations* on June 1, 2024. The Professional Standards Board received a written submittal from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"). GACEC commented that proposed regulation 14 **DE Admin. Code** 288 could be amended to explicitly include disability and ableism.

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

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

III. FINDINGS OF FACTS

On August 1, 2024, the Professional Standards Board considered GACEC's comment and determined not to make any changes as a result of the comment. The Professional Standards Board found that proposed regulation 14 **DE Admin. Code** 288 is a Department regulation and the comment provided a suggestion for the Department. The Professional Standards Board voted to propose 14 **DE Admin. Code** 1598 Delaware Professional Development Standards, in the form attached hereto as Exhibit A, for repeal by the Department subject to the State Board of Education's approval.

The Department finds that it has proposed 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. Accordingly, the Department finds that it is appropriate to repeal 14 **DE Admin. Code** 1598 Delaware Professional Development Standards.

IV. DECISION TO REPEAL THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to repeal 14 **DE Admin. Code** 1598 Delaware Professional Development Standards subject to the State Board of Education's approval. On August 15, 2024, the State Board of Education approved repealing 14 **DE Admin. Code** 1598 Delaware Professional Development Standards. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1598 Delaware Professional Development Standards, attached hereto as Exhibit A, is hereby repealed.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1598 Delaware Professional Development Standards repealed hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1598 Delaware Professional Development Standards in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 15th day of August, 2024.

Department of Education

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

Approved this 15th day of August, 2024.

State Board of Education

/s/ Shawn Brittingham, President

(Abstain) Rajalakshmi Lodhavia

/s/ Deborah Stevens, Vice President

(Absent) Rev. Provey Powell, Jr.

/s/ Meredith L. Griffin Jr.

/s/ Harvey Kenton Jr.

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

***Please note that no changes were made to the regulation as originally proposed and published in the June 2024 issue of the *Register* at page 945 (27 DE Reg. 945). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 310 10-01-24.htm>

FINAL REGULATIONS

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH

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

ORDER

4465 Delaware Radiation Control Regulations

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health initiated proceedings to amend 4465 Delaware Radiation Control Regulations. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §7406.

On June 1, 2024 (27 **DE Reg.** 952), DHSS published in the *Delaware Register of Regulations* its notice of proposed amendments, pursuant to 29 **Del.C.** §10115. It requested that written materials and suggestions from the public concerning the proposed regulations be delivered to DHSS by July 1, 2024, after which time DHSS would review information, factual evidence, and public comment to the said proposed regulations.

Several comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with Delaware Law, public notices regarding proposed Department of Health and Social Services (DHSS) Radiation Control Regulations were published in the *Delaware Register of Regulations*. Written comments were received on the proposed regulations during the public comment period (June 1, 2024, through July 1, 2024).

The following entities provided written comments:

- Vicki Dillard, DHSc, R.R.A., RT(R)(CV)(CT), Associate Professor/ RA Program Director, Midwestern State University, Wichita Falls, Texas;
- Dana Aragon, R.T.(R)(M)(ARRT),CAE, Director of Government Affairs, the American Registry of Radiologic Technologists; and
- Meredith Check, MPP, Manager of Government Relations & Public Policy, American Society of Radiologic Technologists.

DPH Response: The Division of Public Health respectfully considered all comments received and appreciates the support of the proposed amendments.

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

NOTE: Please be aware of Section 10118 (b)(3) of Title 29 of the Delaware Code which requires that each agency address impact on the State's greenhouse gas emissions reduction targets and resiliency to climate change.

The DPH 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:

Several technical changes were made to the regulations since publication as proposed, including amending the definition of "licensed practitioner" to be consistent with the definition found in 16 **DE Admin. Code** 4466 (4466 Radiation Technologists/Technicians (Certification)). These additional changes have been determined by the agency under 29 **Del.C.** §10118(c) to be nonsubstantive. The Department finds that the proposed regulations, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED, that the proposed amendments to 4465 Delaware Radiation Control Regulations shall become effective October 11, 2024, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

9/10/2024 | 3:08 PM EDT
Date

Josette D. Manning, Esq.
Cabinet Secretary
Delaware Department of Health and Social Services

***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/october2024/final/28 DE Reg 312 10-01-24.htm>

DIVISION OF PUBLIC HEALTH

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

ORDER

4466 Radiation Technologists/Technicians (Certification)

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health initiated proceedings to amend 4466 Radiation Technologists/Technicians (Certification) regulations. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §7406.

On June 1, 2024 (27 **DE Reg.** 953), DHSS published in the *Delaware Register of Regulations* its notice of proposed amendments, pursuant to 29 **Del.C.** §10115. It requested that written materials and suggestions from the public concerning the proposed regulations be delivered to DHSS by July 1, 2024, after which time DHSS would review information, factual evidence, and public comment to the said proposed regulations.

Several comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with Delaware Law, public notices regarding proposed Department of Health and Social Services (DHSS) Radiation Technologists/Technicians (Certification) regulations were published in the *Delaware Register of Regulations*. Written comments were received on the proposed regulations during the public comment period (June 1, 2024, through July 1, 2024).

The following entities provided written comments:

- "Vicki Dillard, DHSc, R.R.A., RT(R)(CV)(CT), Associate Professor/ RA Program Director, Midwestern State University, Wichita Falls, Texas; and
- "Ronald R. Castaldo, Ph.D., MBA, MS, CRNA, APRN, FAANA, President, Delaware Association of Nurse Anesthetists (DANA); APRN Committee Member, Delaware Board of Nursing

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

NOTE: Please be aware of Section 10118 (b)(3) of Title 29 of the Delaware Code which requires that each agency address impact on the State's greenhouse gas emissions reduction targets and resiliency to climate change.

The DPH 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:

In response to the public comment received, several technical changes were made to the regulations since publication as proposed, including amending the definition of "licensed practitioner" to be consistent with the definition found in 16 **DE Admin. Code** 4465 (4465 Delaware Radiation Control Regulations). These additional

changes have been determined by the agency under 29 **Del.C.** §10118(c) to be nonsubstantive. The Department finds that the proposed regulations, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED, that the proposed amendments to 4466 Radiation Technologists/Technicians (Certification) shall become effective October 11, 2024, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

9/10/2024 | 3:08 PM

Date

Josette D. Manning, Esq.
Cabinet Secretary
Delaware Department of Health and Social Services

***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/october2024/final/28 DE Reg 313 10-01-24.htm>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 903(e)(2)a.1 (7 **Del.C.** §903(e)(2)a.1)

Secretary's Order No.: 2024-F-0034

RE: Approving Final Regulation, pursuant to 7 Del. C. §903(e)(2)a.1, to Amend 7 DE Admin. Code 3500: Tidal Finfish, adding new section 3519 - Atlantic Croaker

Date of Issuance: September 03, 2024

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

3519 Atlantic Croaker Recreational Possession Limit

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

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

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

Background, Procedural History and Findings of Fact

This order amends 7 DE Admin. Code 3500: *Tidal Finfish* as part of an effort to reduce Atlantic Croaker mortality in the recreational fishery by adopting a specified management measure approved by the ASMFC Sciaenid Management Board ("Board"). Specifically, this amendment reduces the daily possession limit of Atlantic Croaker that may be legally possessed by a recreational angler from no possession limit to 50 Atlantic Croaker. This order is required for Delaware to remain compliant with ASMFC Addendum III to Amendment 1 to the Interstate Fishery Management Plan ("FMP") for Atlantic Croaker. The Board removed Delaware's recreational *de minimis* status at its meeting on August 7, 2024, because Delaware recreational landings exceeded the *de minimis* threshold for three consecutive years. As a non-*de minimis* state now, the FMP requires Delaware to implement the recreational 50 Atlantic Croaker possession limit as soon as possible.

Delaware currently has an 8-inch size limit for Atlantic Croaker set by Code (7 Del.C. § 929) but this is the first regulation promulgated for Atlantic Croaker. The purpose of this order is to amend 7 DE Admin. Code 3500: *Tidal Finfish* by adding new section, 3519, titled "Atlantic Croaker," to establish provisions for reducing the daily recreational possession limit to 50 Atlantic Croaker.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendment to 7 DE Admin. Code 3500: *Tidal Finfish*, by adding new section 3519 - *Atlantic Croaker* pursuant to 7 Del.C. §§ 901 (c & d) and 903(e)(2)a.1.

ORDER

In accordance with 7 Del.C. § 903(e)(2)a.1, it is hereby ordered, this 3rd day of September, 2024 that the above referenced amendments to 7 DE Admin. Code 3500: *Tidal Finfish*, a copy of which is hereby attached, are supported by the evidence contained herein and are hereby adopted. The above referenced amendment shall take effect 48 hours following publication of this Secretary's Order and regulation on the Department's website in accordance with 7 Del.C. § 903(e)(2)a.2.

Lisa Borin Ogden for
Shawn M. Garvin
Secretary

3519 Atlantic Croaker Recreational Possession Limit

(Penalty Section 7 Del.C. §936(b)(2))

- 1.0 Unless otherwise authorized, it is unlawful for any recreational fisherman to take and reduce to possession more than 50 Atlantic croaker per day (a day being 24 hours) from the tidal waters of this State. Any Atlantic croaker taken from the tidal waters of this State that is not immediately returned, without unnecessary injury, to the same waters from which it was taken, is deemed taken and reduced to possession for purposes of this subsection.
- 2.0 Unless otherwise authorized, it is unlawful for any recreational fisherman to have in possession more than 50 Atlantic croaker at or between the place said Atlantic croaker were taken and said fisherman's personal abode or temporary or transient place of lodging.

FINAL REGULATIONS

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 6010 (7 **Del.C.** §6010)
7 **DE Admin. Code** 3519

Secretary's Order No.: 2024-F-0035

RE: FINAL EXEMPT ORDER: 7 DE Admin. Code 3519: Atlantic Croaker

Date of Issuance: September 05, 2024

Effective Date of the Amendment: October 11, 2024

3519 Atlantic Croaker Recreational Possession Limit

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), 7 *Del.C.* §6010 and 29 *Del.C.* §10113(b)(4), DNREC hereby revises Section 3519 of Title 7 of the Delaware Administrative Code to correct clerical errors presently contained therein, and to make this Regulation consistent with the formatting set forth in the current edition of the Delaware Administrative Code Drafting and Style Manual.

Findings of Fact

Based on Delaware law and the record as reflected above, I make the following findings of fact:

1. The proposed regulation is not in conflict with Delaware law; and
2. The proposed regulation is an appropriate exercise of the Department's responsibilities and authority.

Decision and Order Concerning the Regulation

NOW THEREFORE, under the above-described statutory authority, and for the reasons set forth above, I hereby ORDER that the revisions to **7 DE Admin. Code 3519: Atlantic Croaker** be adopted and promulgated.

The effective date of this Order is ten (10) days from the date of its publication in the Delaware Register of Regulations, in accordance with 29 *Del.C.* §10118(g).

Lisa Borin Ogden for
Shawn M. Garvin
Secretary

3519 Atlantic Croaker ~~Recreational Possession Limit~~

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

1.0 Recreational Possession Limit

- 4.0 Unless otherwise authorized, it is unlawful for any recreational fisherman to take and reduce to possession more than 50 Atlantic croaker per day (a day being 24 hours) from the tidal waters of this State. Any Atlantic croaker taken from the tidal waters of this State that is not immediately returned, without unnecessary injury, to the same waters from which it was taken, is deemed taken and reduced to possession for purposes of this subsection.

2.0 Recreational In Transit Possession Limit

- 2.0 Unless otherwise authorized, it is unlawful for any recreational fisherman to have in possession more than 50 Atlantic croaker at or between the place ~~said~~ the Atlantic croaker were taken and ~~said~~ the fisherman's personal abode or temporary or transient place of lodging.
-

DEPARTMENT OF SAFETY AND HOMELAND SECURITY OFFICE OF THE MARIJUANA COMMISSIONER

Statutory Authority: 4 Delaware Code, Section 1331 (4 **Del.C.** §1331)
4 **DE Admin. Code** 5001

ORDER

5001 Rules of the Office of the Marijuana Commissioner

SUMMARY OF THE EVIDENCE

1. Title 4, Section 1331 of the Delaware Code authorizes the Office of the Marijuana Commissioner ("OMC") to establish regulations necessary to implement Chapter 13.
2. The OMC's purpose in proposing these regulations was to establish standards for issuing marijuana establishment licenses, social equity businesses, and a retail sales tax. They also included a system for inspection, tracking, packaging, and testing marijuana to ensure the marijuana products are safe.
3. The final OMC regulations were published in 28 **DE Reg.** 226 (09/01/24) and became effective on September 11, 2024.
4. On further review of the final regulations, a typographical error was noted in the Delaware code citation in the definition of "**medical marijuana program card**." Therefore, a non-substantive edit has been made to change 6 **Del.C.** §4909A to 16 **Del.C.** §4909A.
5. A copy of the published regulation formatted to show the non-substantive change is attached hereto as Exhibit A.
6. Having solicited and requested public comment on the proposed regulations in accordance with the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101, et. seq., and determining that no substantive changes are required to the proposed regulations, this is OMC's Decision and Order adopting the proposed regulations with the proposed non-substantive edit set forth herein and with the rest of the proposed rules as published remaining unchanged.

FINDINGS OF FACT AND CONCLUSIONS

OMC has edited the definition of "**medical marijuana program card**" in Section 2.0 to correct the code citation therein. OMC determines that this edit is not substantive, and as a result, it is not required to repropose the changes. Accordingly, OMC finds that it is appropriate to adopt the proposed regulations, 4 **DE Admin. Code** 5001, pursuant to 4 **Del.C.** §1331.

ORDER

AND NOW this 13th day of September, 2024, it is hereby ordered that:

1. The proposed regulations, with the non-substantive changes, 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 19 **Del.C.** §10118(e); and
3. OMC reserves to itself the authority to issue such order and further orders concerning its Regulations as it deems appropriate.

IT IS SO ORDERED.

Office of the Marijuana Commissioner
Robert M. Coupe, Commissioner

5001 Rules of the Office of the Marijuana Commissioner
(*Break in Continuity of Sections*)

2.0 Definitions

The definitions set forth in 4 Del.C. §1302 are hereby adopted and incorporated by reference in this regulation. The following words and terms, when used in this regulation, should have the following meaning:

(Break in Continuity Within Section)

"Medical marijuana program card" means a registry identification card issued pursuant to 6 16 Del.C. §4909A.

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

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 317 10-01-24.htm>

DEPARTMENT OF STATE
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
Statutory Authority: 4 Delaware Code, Section 304 (4 Del.C. §304)
4 DE Admin. Code 601

ORDER

601 (Formerly Rule 35.1) Gathering Licenses

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 amend 4 DE Admin. C. 601 to clarify requirements for a gathering license, including recognition by the Internal Revenue Service as a charitable organization, standards for a floor plan, and prohibiting an affiliated license from receiving proceeds from a gathering where the non-profit organization includes members of a licensed manufacturer of beer, wine, or spirits. Other proposed changes include additional defined terms, changes to clarify entities as non-profit organizations, and defining the meaning of social, economic, and civic groups.
3. Notice of the proposed regulation change was published in the January 1, 2024, edition of the *Delaware Register of Regulations*, and the public was given thirty (30) days to provide written comment.
4. Because the published notice included an outdated email address for submitting public comments, a general notice was published February 1, 2024, to afford the public an additional thirty (30) days to submit written comment to a current email address, until March 4, 2024.
5. Public comments were received for the proposed updates to the regulation, all of which are supportive and positive of the changes.
6. Having provided the opportunity for public comment on the proposed regulation in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., the Commissioner determines minor, non-substantive changes are needed to 3.10 in that an affiliated licensee of a nonprofit volunteer fire company or nonprofit religious or political organization is not to receive any alcohol proceeds from a gathering.
7. A copy of the Final Regulation at 4 DE Admin. Code 601 with the above non-substantive changes is attached hereto.

FINDINGS OF FACT

The Commissioner finds that it is necessary to adopt the proposed regulation with minor, non-substantive edits in order to clarify requirements for a gathering license, including recognition by the Internal Revenue Service as a charitable organization, standards for a floor plan, and prohibiting an affiliated license from receiving proceeds from a gathering where the non-profit organization includes members of a licensed manufacturer of beer, wine, or spirits.

NARRATIVE ASSESSEMENT OR STATEMENT

Pursuant to 29 Del.C. § 10118(b)(3), the Commissioner reviewed the proposed changes and states that an assessment is not practical for this regulation, or that an impact, if any, would be de minimis on the achievement of the State's greenhouse gas emissions reduction targets and the State's resiliency to climate change.

DECISION AND ORDER TO AMEND THE REGULATION

For the foregoing reasons, the Commissioner concludes that it is appropriate to amend 4 DE Admin. Code 601 in which the text of the final regulation shall be in the form referenced herein and therefore the regulation shall be adopted in accordance with this Order. The effective date of this Order shall be ten days after the publication of this Order in the *Delaware Register of Regulations*.

IT IS SO ORDERED this 12th day of September, 2024 by the Office of the Delaware Alcoholic Beverage Control Commissioner.

The Honorable Jacqueline Paradee Mette, Esq.
Commissioner

601 (Formerly Rule 35.1) Gathering Licenses (Break in Continuity of Sections)

3.0 Gathering License - Requirements

- 3.1 A group as defined in this regulation shall submit an application in the form prescribed by the Delaware Alcoholic Beverage Control Commissioner and pay the appropriate fee.
- 3.2 The group must submit proof of incorporation or formation.
- 3.3 The group must submit a recent IRS Form 990 that has been filed by the nonprofit group and accepted by the IRS within the last 3 years. If the group has been organized in the prior calendar year, it must submit proof from the IRS that nonprofit status has been requested.
- (Break in Continuity Within Section)**
- 3.8 Within 60 days after a licensed gathering has taken place, the holder of the license shall submit a completed and signed post event report (a sample form can be obtained from the Office) which shall include: total alcohol sales and/or portion of ticket sales related to alcohol; cost of the alcohol; and the net proceeds from the sale of alcohol at the event. The holder of the license may submit all information by electronic means.
- 3.8.1 If a group fails to submit the information required by subsection 3.8 of this regulation, future gathering licenses may not be granted to the organization.
- 3.8.2 A group that has obtained a biennial gathering license may submit the report required by subsection 3.8 of this regulation on a quarterly basis, in lieu of 60 days after each event. Failure to submit the information required may result in cancellation of the biennial gathering license.
- 3.9 If a gathering license is issued to a nonprofit group with an affiliated licensee, the affiliated licensee shall not receive any alcohol proceeds from the gathering. For purposes of this regulation, "proceeds from the gathering" does not include the purchase of alcoholic beverages provided for the gathering.
- 3.10 The requirements of subsections 3.2, 3.3, [and] 3.8 [and 3.9] of this regulation shall not apply to a volunteer fire company, a religious organization, or a political organization.

***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 756 (27 DE Reg. 756). 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/october2024/final/28 DE Reg 318 10-01-24.htm>

FINAL REGULATIONS

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
Statutory Authority: 4 Delaware Code, Section 304 (4 Del.C. §304)
4 DE Admin. Code 701, 702

ORDER

Rule 701 (Formerly Rule 51) A Rule Requiring the Biennial Renewal of Wholesale, Retail, and Annual Gathering Licenses

Rule 702 (formerly Rule 51.1) A Rule Requiring the Biennial Renewal of Supplier's Licenses

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 amend 4 DE Admin. C. 701 and 702 to shorten the license renewal notice timeline, however, the effective dates for renewed licenses will not change. Due to increased administrative costs for tracking late renewals of licenses, the updates also include a late penalty that may be applied to those licensees that do not timely renew.
3. Notice of the proposed regulation change was published in the January 1, 2024 edition of the *Delaware Register of Regulations*, and the public was given thirty (30) days to provide written comment.
4. Because the published notice included an outdated email address for submitting public comments, a general notice was published February 1, 2024 to afford the public an additional thirty (30) days to submit written comment to a current email address, until March 4, 2024.
5. No public comments were received for the proposed updates to the regulation.
6. Having provided the opportunity for public comment on the proposed regulation in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., the Commissioner determines the proposed regulation as published will be adopted.
7. A copy of the Final Regulation at 4 DE Admin. Code 701 and 702 as published is attached hereto.

FINDINGS OF FACT

The Commissioner finds that it is necessary to adopt the proposed regulation as previously published.

NARRATIVE ASSESSEMENT OR STATEMENT

Pursuant to 29 Del.C. § 10118(b)(3), the Commissioner reviewed the proposed changes and states that an assessment is not practical for this regulation, or that an impact, if any, would be de minimis on the achievement of the State's greenhouse gas emissions reduction targets and the State's resiliency to climate change.

DECISION AND ORDER TO AMEND THE REGULATION

For the foregoing reasons, the Commissioner concludes that it is appropriate to amend 4 DE Admin. Code 701 and 702 in which the text of the final regulation shall be as published previously and is adopted in accordance with this Order. The amendments to the regulation shall become effective ten days after publication of this Order in the *Delaware Register of Regulations*.

IT IS SO ORDERED this 12th day of September 2024 by the Office of the Delaware Alcoholic Beverage Control Commissioner.

The Honorable Jacqueline Paradee Mette, Esq.
Commissioner

***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 506 (27 DE Reg. 506). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 320 10-01-24.htm>

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
Statutory Authority: 4 Delaware Code, Section 304 (4 Del.C. §304)
4 DE Admin. Code 1008

ORDER

Rule 1008 (Formerly Rule 19.1) Bottle Clubs - Licensing and Operation

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 amend 4 DE Admin. Code 1008 to conform with the General Assembly's statutory changes to 4 Del.C. §515A, and to permit licensed bottle club owners to choose whether to provide bartender services and serve alcoholic liquors provided for a social gathering by a customer renting the premises that chooses not to use a licensed caterer for the social gathering. In addition, the Commissioner proposed to update the ratio of dining to bar seating in order to align bottle club licenses that operate as restaurants with Delaware restaurant licensees.
3. Notice of the proposed regulation change was published in the January 1, 2024 edition of the *Delaware Register of Regulations*, and the public was given thirty (30) days to provide written comment.
4. Because the published notice included an outdated email address for submitting public comments, a general notice was published February 1, 2024 to afford the public an additional thirty (30) days to submit written comment to a current email address, until March 4, 2024.
5. Public comments were received for the proposed updates to the regulation, all of which are supportive and positive of the changes.
6. Having provided the opportunity for public comment on the proposed regulation in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., the Commissioner determines minor, non-substantive changes are needed, as follows: (a) in 4.1.1 and 4.1.2, change "9 a.m." to "8 a.m."; (b) in 4.3.1, add "sides," after the word "entrees"; and (c) in 4.3.2, change "20" days to "10" days.
7. A copy of the Final Regulation at 4 DE Admin. Code 1008 with the above non-substantive changes is attached hereto.

FINDINGS OF FACT

The Commissioner finds that it is necessary to adopt the proposed regulation with minor, non-substantive edits in order to conform with the General Assembly's statutory changes to 4 Del.C. §515A, and to permit licensed bottle club owners to choose whether to provide bartender services and serve alcoholic liquors provided for a social gathering by a customer renting the premises that chooses not to use a licensed caterer for the social gathering. Also, the Commissioner proposed to update the ratio of dining to bar seating in order to align bottle club licenses that operate as restaurants with Delaware restaurant licensees.

NARRATIVE ASSESSEMENT OR STATEMENT

Pursuant to 29 Del.C. § 10118(b)(3), the Commissioner reviewed the proposed changes and states that an assessment is not practical for this regulation, or that an impact, if any, would be de minimis on the achievement of the State's greenhouse gas emissions reduction targets and the State's resiliency to climate change.

DECISION AND ORDER TO AMEND THE REGULATION

For the foregoing reasons, the Commissioner concludes that it is appropriate to amend 4 DE Admin. Code

1008 in which the text of the final regulation shall be in the form referenced herein and therefore the regulation shall be adopted in accordance with this Order. The effective date of this Order shall be ten days after the publication of this Order in the Delaware *Register of Regulations*.

IT IS SO ORDERED this 6th day of September 2024 by the Office of the Delaware Alcoholic Beverage Control Commissioner.

The Honorable Jacqueline Paradee Mette, Esq.
Commissioner

1000 General Establishments and Clubs

Rule 1008 (Formerly Rule 19.1) Bottle Clubs - Licensing and Operation

1.0 Purpose and Scope

This ~~Rule~~ regulation implements the 1982 and 1989 ~~Amendments~~ amendments to the Delaware Liquor Control Act extending the jurisdiction of the Commissioner to ~~so-called "bottle clubs."~~ bottle clubs, 4 ~~Del.C. §§515, 515Aa, 902(7) and 554(aa)~~ §§515, 515A(a), 902(7), and 554(aa), 60 Del. Laws, Ch. 232 (April 30, 1982), 67 Del. Laws, Ch. 122 (July 14, 1989). It applies to all businesses operated for profit where patrons carry onto the premises alcoholic liquors to be consumed thereon and removed by patrons upon their departure.

2.0 Definitions

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

"Bottle Club club" means an establishment operated for profit or pecuniary gain where persons enter upon the premises for the purposes of consuming alcoholic liquors which are brought onto the premises by customers of the establishment and are consumed therein and removed by such persons upon their departure. A bottle club also includes the premises rented to customers for holding weddings or other social gatherings, pursuant to 4 Del.C. §515A(c)(2).

"Consume" in any tense, means the act of drinking or eating alcoholic beverages and includes possession of an alcoholic beverage with the present ability to drink or eat it.

"Operated for profit or pecuniary gain" means a business owned by a sole proprietor, partnership, corporation or other business association where such owner is not exempt from federal or state taxes on income on the profits (or losses) from such business, or the profits (or losses) from such business are for the benefit of an individual partnership, corporation or other business association which is not exempt from federal or state taxes on income. An organization qualified to receive a gathering license under 4 Del.C. §514, shall be deemed to be not for profit or pecuniary gain unless the profits or losses from such enterprise are otherwise subject to federal or state tax on income.

"Restaurant" means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for consideration, and which has seating at tables for 12 or more persons, and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook. The service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of "meals" ~~{4 Del.C. §101(35)}~~ (4 Del.C. §101(40)). In addition, a ~~"restaurant"~~ restaurant shall have a valid and current restaurant retailer license required by 30 ~~Del.C. §2906~~.

3.0 General Policy

No establishment shall be operated for profit or pecuniary gain as a ~~"bottle club"~~ bottle club unless licensed by the Commissioner. Licensed ~~"bottle clubs"~~ bottle clubs shall, within the limits of their license, be held to the same standards of performance and financial responsibility as other types of license holders.

4.0 Standards of Operation for ~~"Bottle Club"~~ Bottle Club

4.1 Hours of Operation

- 4.1.1 An establishment operated as a ~~"bottle club"~~ bottle club shall not permit the consumption of alcoholic beverages on its premises after 2:00 2 a.m. or before 9:00 ~~[9 8]~~ a.m. on any day.
- 4.1.2 The presence of alcoholic liquors on the premises of a ~~"bottle club"~~ bottle club between the hours of 2:00 2 a.m. and 9:00 ~~[9 8]~~ a.m. shall be prima facie evidence of a violation.
- 4.2 Service of General Public.
 - 4.2.1 A ~~"bottle club"~~ bottle club may require membership upon payment of a reasonable fee, but approval of such membership shall not be unreasonably denied.
 - 4.2.2 A club shall not charge an admission charge or fee, but may charge a cover or minimum during hours when live entertainment is actually being presented.
- 4.3 Service of Food
 - 4.3.1 A reasonable selection of food shall be available from a written menu or menu board at all hours when alcoholic beverages are being consumed. The selection of foods shall include a choice of sandwiches, entrees, ~~[sides,]~~ and non-alcoholic beverages.
 - 4.3.2 If alcoholic liquors will be provided by the customer and not a licensed off-site caterer, a bottle club licensed pursuant to 4 Del.C. §515A(c)(2) shall submit for Commissioner approval at least [20 10] days prior to a wedding or other social gathering:
 - 4.3.2.1 A signed contract with the customer renting the premises that shows the date and time of the event and the anticipated number of invited guests;
 - 4.3.2.2 A signed contract with the entity providing adequate food for the social gathering, as determined by the Commissioner; and
 - 4.3.2.3 A list of the alcoholic liquors to be provided by the customer that will be served during the gathering.
- 4.4 Service of Persons Under 21
 - 4.4.1 ~~Minors~~ Persons under 21 years of age may be admitted to the premises of a ~~"bottle club."~~ bottle club.
 - 4.4.2 ~~Minors~~ Persons under 21 years of age may not consume alcoholic beverages at any time, whether or not the bottle club licensee has provided bartending services pursuant to 4 **DE Admin. Code** 1008, subsection 4.5.2 of this regulation.
 - 4.4.3 It shall be a rebuttable presumption that ~~minors~~ persons under 21 years of age found on the premises or departing therefrom who are found to have consumed alcoholic ~~liquors~~ liquors, or are in possession of alcoholic liquors, consumed or possessed such alcoholic liquors on the licensed bottle club premises in violation of the Delaware Liquor Control Act.
- 4.5 Service of Alcoholic Liquors.
 - 4.5.1 A ~~"bottle club"~~ bottle club may serve food, non-alcoholic beverages, mixers and ice and may charge for such service. ~~"Bottle clubs" may not mix or provide bartender service to patrons, nor may a "bottle club" chill or keep alcoholic liquors for customers. A "bottle club" shall not serve alcoholic liquors.~~
 - 4.5.2 A bottle club renting its premises for weddings or other social gatherings pursuant to 4 Del.C. §515A(c)(2) may provide bartending services and serve alcoholic liquors provided by the customer and may charge for such services.
 - 4.5.2.1 Bartending services must be included in the materials submitted to the Commissioner for review and approval pursuant to 4 DE Admin. Code 1008, subsection 4.3.2 of this regulation.
 - 4.5.2.2 The servers provided by the bottle club shall be certified as responsible alcoholic beverage servers pursuant to the Delaware Liquor Control Act. Only certified servers may provide bartending services which may also include bar area set-up and breakdown.
 - 4.5.3 A bottle club may not keep alcoholic liquors for customers after the conclusion of the customer's use of the premises. Any alcoholic liquors remaining on the premises 2 hours after the conclusion of the event, or 1 hour after the customer has left the premises, shall be considered abandoned property and the bottle club licensee shall dispose of the alcoholic liquors immediately.

FINAL REGULATIONS

- 4.5.4 A bottle club licensee may permit a customer renting the premises pursuant to a contract approved by the Commissioner to bring alcoholic liquors onto the premises up to 36 hours prior to the event, provided the alcoholic liquors are stored in locked storage to which the customer and the licensee possess the only keys. The licensee's contract with the customer may designate a specific person, other than the customer, for this task. The licensee shall confirm the alcoholic liquors brought onto the premises are consistent with the list provided to the Commissioner pursuant to 4 **DE Admin. Code** 1008, subsection 4.3.2.3 of this regulation, and any quantity or type not approved by the Commissioner must be removed from the premises.
- 4.5.5 Only the customer renting the bottle club licensed premises, or the customer's designee identified in the contract with the licensee, may enter and leave the premises with alcoholic liquors. Guests of the customer renting the premises may not enter or leave the premises with alcoholic liquors.
- 4.6 Presence of Intoxicated Persons on ~~Premises~~ Premises.
- ~~4.6.1~~ A "~~bottle club~~" bottle club shall not permit an intoxicated person to remain on its premises.
- 4.7 Design and ~~Layout~~ Layout.
- ~~4.7.1~~ In a "~~bottle club~~" bottle club there shall be seating at tables for not less than 12 persons. Seats at a bar shall not exceed ~~25%~~ 1/3 of the dining seats of the establishment.

DIVISION OF PROFESSIONAL REGULATION

Board of Nursing

Statutory Authority: 24 Delaware Code, Section 1906(a)(1) (24 **Del.C.** §1906(a)(1))
24 **DE Admin. Code** 1900

ORDER

1900 Board of Nursing

FINAL ORDER ADOPTING REGULATION CHANGES

The Delaware Board of Nursing pursuant to 24 *Del. C.* § 1906(a)(1), proposed to revise its regulations. The proposed amendments seek 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.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Following publication in the Delaware Register of Regulations on June 1, 2024, a public hearing was held on July 10, 2024. Written comment periods were held open for thirty days, and an additional fifteen days following the public hearing. At the hearing, the Board accepted as evidence and marked the following as the Board's Exhibits:

Board Exhibit 1 - Affidavit of publication of the public hearing notice in the News Journal;

Board Exhibit 2 - Affidavit of publication of the public hearing notice in the Delaware State News; and

Board Exhibit 3 - Undated letter from the President of the Board of Medical Licensure and Discipline requesting that the Board change Regulation 8.7.18.1 to allow APRNs to perform medication abortions up to 10 weeks gestation versus 12.

FINDINGS OF FACT AND CONCLUSIONS

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

2. The APRN Committee to the Board and the Board considered the suggestion from the Medical Board, and the Board voted to reject the suggestion. The APRN Committee noted that medication abortion up to 12 weeks is within the standard of care of qualified APRNs and acceptable under the American Midwifery Certification Board and World Health Organization's standards. The Committee noted certified nurse midwives have a more extensive scope of practice than physician's assistants, and APRNs have independent practice in Delaware. Moreover, in all

situations, nurses are required to provide care that is in the best interest of the patient, so if medication abortion is not appropriate over 10 weeks, APRNs will not administer it. The Board and Committee noted that this language within Regulation 8.7.18.1 has been in place for over a year and a half, and the Board was not proposing to add or change the language pertaining to when an APRN may perform an abortion. Because weeks of gestation was not involved in the Board's proposed changes and the APRN Committee's discussion and recommendation was to continue to allow for medication abortion up to 12 weeks, the Board found no basis to change the regulations per the Medical Board's suggestion.

3. Pursuant to 24 *Del. C.* § 1906(a)(1), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.

4. The proposed amendments seek 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.

5. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed changes to the Board's rules and regulations.

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

7. For the reasons stated above, the Board finds no reason to substantively amend the regulations.

DECISION AND ORDER CONCERNING THE REGULATIONS

Having found that the proposed changes to the regulations are necessary as outlined herein, the Board finds that the regulations shall be adopted as final in the form as proposed. The exact text of the regulations, as amended, are attached to this order as Exhibit A. These changes will become effective ten days following publication of this order in the Delaware Register of Regulations.

IT IS SO ORDERED this 11th day of September 2024 by the Delaware Board of Nursing.

Board of Nursing

/s/ Kimberly Hopkins, RN, President

/s/ Marlo Metz, RN

/s/ Pamela James, RN

/s/ Prameela Kaza, Public Member

/s/ Jacqueline Mainwaring, CRNA

/s/ Tiarra Davis, Public Member

/s/ Carol Abdill, RN, Vice President

/s/ Gayle Melvin, Public Member

/s/ Danielle Lowe, RN

(Absent) William Hare, Public Member

(Absent) Stephanie Evans-Mitchell, FNP

/s/ Christina Hushen, RN 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 June 2024 issue of the *Register* at page 955 (27 DE Reg. 955). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 324 10-01-24.htm>

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF FACILITIES MANAGEMENT

Statutory Authority: 29 Delaware Code, Sections 6908(a)(6) and 10113(b)(4) (29 **Del.C.**
§§6908(a)(6) & 10113(b)(4))
19 **DE Admin. Code** 4104

ORDER**4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects****I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 29 **Del. C.** § 6908(a)(6) and 29 **Del. C.** § 10113(b)(4), the Director of the Division of Facilities Management of the Office of Management and Budget seeks to amend 19 **DE Admin Code** 4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects. This regulation is being amended to allow the State to accept New Castle County drug tests that are up to six months old in lieu of requiring contractors and subcontractors to have new tests done for all Large Public Works projects located in New Castle County.

Pursuant to the authority granted by 29 **Del. C.** § 6908(a)(6), the Office of Management and Budget established regulations that require contractors and subcontractors to implement a program of mandatory drug testing for employees who work on Large Public Works Contracts funded all or in part with public funds. The regulations established the mechanism, standards and requirements of a Mandatory Drug Testing Program that was incorporated by reference into all Large Public Works Contracts awarded pursuant to by 29 **Del. C.** § 6962.

New Castle County government has a drug testing program set forth in New Castle County Ordinance 2.05.306-Alcohol and Drug Testing of Employees of Contractors and Subcontractors Working on Public Works Projects and Jobsites, for all construction projects which mirrors the drug testing program imposed by the State of Delaware. Currently, contractors and subcontractors must comply with both programs for all Large Public Works projects located in New Castle County. This is duplicative and costly. The New Castle County drug testing program is comparable to the one imposed by the State. The purpose of the revised regulation is to allow the State to accept New Castle County drug tests that are up to six months old in lieu of requiring contractors and subcontractors to have new tests done for all Large Public Works projects located in New Castle County.

Notice of the proposed regulation was published in the Delaware Register of Regulations on July 1, 2024. A written comment period was held open through close of business (4:30 p.m. EST) on July 31, 2024. No written comments were received for this regulation.

This Order is exempt from the requirement of the public notice and commend and may be adopted informally because it includes "nonsubstantive changes in existing regulations to alter style of form or to correct technical errors," pursuant to 29 **Del. C.** § 10113 (b)(4).

II. FINDINGS OF FACTS

The Director finds that it is appropriate to amend 19 **DE Admin. Code** 4104 to allow the State to accept New Castle County drug tests that are up to six months old in lieu of requiring contractors and subcontractors to have new tests done for all Large Public Works projects located in New Castle County.

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 practicable for

this regulation.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Director concludes that it is appropriate to amend 19 **DE Admin. Code** 4104. Therefore, pursuant to 29 **Del. C.** § 6908(a)(6) and 19 **DE Admin. Code** 4104, the Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects attached hereto as *Exhibit "A"* is hereby amended.

V. TEXT AND CITATION

The text of 19 DE Admin. Code 4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 19 **DE Admin. Code** 4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects in the Administrative Code of Regulations for the Division of Facilities Management of the Office of Management and Budget.

VI. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Director pursuant to 29 **Del. C.** § 6908(a)(6) on September 23, 2024. The information about the proposed regulation will remain in the revised Order. The regulation was published as final in the September 2024 *Delaware Register of Regulations*. 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 this 23rd day of September 2024:

Jennifer Coverdale
Director, Division of Facilities Management
Approved this 23rd day of September 2024.

4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects
(Break in Continuity of Sections)

5.0 Drug Testing Requirements – Frequency for the Testing of Employees

- 5.1 Initial Drug Testing - Employees commencing work on a Jobsite must be tested with the exception that an Employee who has passed a random or scheduled drug test within the past 180 days from the date of commencing work or an Employee who passed a pre-employment drug test administered pursuant to an Contractor's or Subcontractor's Program, or who possesses a certification no more than 6 months old under the then current New Castle County ordinance ~~2.05.395~~ 2.05.305 - Alcohol and Drug Testing of Employees of Contractors ~~working~~ Working on Public Works Projects and Jobsites, and is subject to testing as part of a Contractor's or Subcontractor's ongoing Program or as part of a Consortium shall be permitted to work at the Jobsite without further testing; however, the Employee is still subject to random testing.

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

<https://regulations.delaware.gov/register/october2024/final/28 DE Reg 326 10-01-24.htm>

GENERAL NOTICES

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Examiners of Nursing Home Administrators

Statutory Authority: 24 Delaware Code, Section 5206(a)(1) (24 Del.C. §5206(a)(1))
24 DE Admin. Code 5200

NOTICE

5200 Board of Examiners of Nursing Home Administrators

Pursuant to 24 Del.C. §5206(a)(1), the Delaware Board of Examiners of Nursing Home Administrators ("Board") has proposed revisions to its Rules and Regulations. The Board proposes these amendments to advance its primary objective, which is to protect the general public, specifically those persons who are the direct recipients of nursing home administration services, regulated by 24 Del.C., Ch. 52, 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 Regulation subsection 2.3 to clarify which examinations are required.

Amendments are proposed to Regulation subsections 5.1 and 7.4.1 to clarify the time frame during which continuing professional education must be completed.

Amendments are proposed to Regulation subsections 5.2 and 5.4 to strengthen the Board's biennial continuing professional education requirements by mandating course time in subject areas of patient abuse and neglect, infection prevention, and professional ethics. The Board is authorized specifically to establish by rule and regulation continuing education standards by 24 Del.C. §5206(a)(10).

Additional revisions reflect modern practices of the Division of Professional Regulation and others are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

These amendments were published on page 109 of the August 1, 2024 issue of the *Delaware Register of Regulations* (28 DE Reg. 109 (8/1/24)). The Board planned to hold a hearing on September 10, 2024, at 12:00 p.m., but the hearing was cancelled. As a result, the Board will now a public hearing on November 12, 2024, at 12:00 p.m. in conference room B on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Examiners of Nursing Home Administrators, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or to Tashana.Branch@delaware.gov.

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be November 27, 2024. The Board will deliberate on all the public comments at its regularly scheduled meeting thereafter.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
PUBLIC NOTICE
601 Delaware Pesticide Rules and Regulations

Summary

The Delaware Department of Agriculture proposes to amend its Regulations adopted in accordance with Title 3, Chapter 12 of the Delaware Code. The purpose of the proposed regulation is to bring this regulation into compliance with the updated Federal Certification and Training Rule. The recommended change to subsection 7.7.7 deletes the Miscellaneous Pest Control (7G) category. The recommended changes to subsection 8.5.2.4 deletes Miscellaneous Pest Control (7G) and adds Aerial Pest Control (11). Other regulations issued by the Delaware Department of Agriculture are not affected by this proposal. The Delaware Department of Agriculture is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the October 1, 2024 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South Dupont Highway Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Department of Agriculture at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before November 1, 2024. Written materials submitted will be available for inspection at the above address.

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/>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
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 XIX Medicaid State Plan General Program Administration and Table of Contents page 66b, Attachment 3.1-A page 6 Addendum 1, Attachment 4.19-B Intro page 5, Attachment 4.19-B Intro page 6, and Attachment 4.19-B Intro page 7.3, specifically, to modify the reimbursement methodology for vaccines and vaccine administration.

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, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2024. Please identify in the subject line: 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.

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4103 Inherited Metabolic Disorders

Pursuant to 16 **Del.C.** §122(1), §122(3)h & §203(a)(1), the Department of Health and Social Services, Division of Public Health is proposing to repeal Regulation 4103 Inherited Metabolic Disorders and intends to hold the regulation open for public comment per Delaware law. The repeal is necessary because the Division of Public Health no longer has designated funding for formula and cannot guarantee formula availability.

Copies of the proposed regulation are available for review in the October 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.

Public comments will be accepted until 4:30 PM on November 1, 2024. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4470 State of Delaware Medical Marijuana Code

Pursuant to 16 **Del.C.** Ch. 49A and House Bill 285 (84 Del. Laws, c. 264) 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 State of Delaware Marijuana Code and intends to hold them open for public comment per Delaware law. The revisions include:

- Allowing health-care providers to make the determination of whether a patient has a diagnosed medical condition for which the patient would receive therapeutic or palliative benefit from the use of medical marijuana;
- Allowing patients aged 65 and older to self-certify their qualification for a Medical Marijuana Registry Identification Card without a written certification from a health-care provider;
- Authorizing the Department of Health and Social Services to issue Medical Marijuana Registry Identification Cards with 1-, 2-, or 3-year expiration dates;
- Addresses reciprocity of equivalent registry identification cards from another state or territory of the U.S.; and
- Requires the issuance of a Registry Identification Card with an indefinite expiration date where the qualifying patient has a terminal illness.
- Moving a portion of subsection 3.4 to between subsections 3.1.7 and proposed subsection ~~3.23.3~~.
- Technical corrections.

Copies of the proposed regulations are available for review in the October 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.

Public comments will be accepted until 4:30 PM on November 1, 2024. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

DEPARTMENT OF JUSTICE
FRAUD AND CONSUMER PROTECTION DIVISION
PUBLIC NOTICE

104 Privacy Policies for Commercial Online Sites, Services, and Applications

Public Notice

In compliance with the State's Administrative Procedures Act (APA -Title 29, Chapter 101 of the Delaware Code) and 29 Del.C. § 2521, the Consumer Protection Unit of the Delaware Department of Justice ("the Consumer Protection Unit") hereby publishes notice of a proposed repeal of a regulation to the Online and Personal Privacy Protection Act (6 Del.C. § 1201C et seq.) pursuant to 6 Del.C. § 1203C and 29 Del.C. § 2521.

Summary of Proposed Repeal

Regulation 104 Privacy Policies for Commercial Online Sites, Services, and Applications was adopted on July 1, 2016 (the "Regulation") shortly after the adoption of the Online and Personal Privacy Protection Act (6 Del.C. § 1201C et seq.) (the "Online Act"). The Online Act mandated certain online businesses post a privacy policy with specified information. The purpose of the Regulation was to provide operators of commercial Internet websites, online or cloud computing services, online applications, or mobile applications with optional "safe harbor" language that they may, but are not required to, use in their privacy policies that the Consumer Protection Unit would comply with the disclosure requirements of 6 Del.C. §1205C(b) at that time. The Delaware Personal Data Privacy Act was adopted in 2023 (6 Del.C. § 12D-101 et seq.) (the "DPDPA") and requires certain business include "reasonably accessible, clear, and meaningful privacy notice" with additional information compared to the Online Act. The "safe harbor" language in the Regulation may not satisfy the DPDPA requirements in certain circumstances and risks causing confusion for businesses about their privacy notice obligations. Accordingly, the Consumer Protection Unit has determined that the "safe harbor" language in the Regulation is no longer appropriate under the Online Act or the DPDPA and has proposed repealing the Regulation.

Possible Terms of the Action Agency

None.

Other Regulations That May be Affected by the Proposal

The Consumer Protection Unit does not believe that other regulations will be impacted.

Notice of Public Comment

Persons wishing to comment on the proposed regulation may submit their comments in writing no later than November 1, 2024, by email to John.Eakins@Delaware.gov or by U.S. mail to the following address:

John Eakins
Department of Justice, Consumer Protection Unit
820 N. French St.
Wilmington, DE 19801

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 confirm that certified nurse midwives may perform out of hospital births, including home births. The proposed changes seek to clarify the return to practice requirements for APRNs who have been out of active clinical practice more than 5 years and increase the mini-mum number of supervised clinical hours APRN programs must include in their curricula.

The Board will hold a public hearing on the proposed regulation changes on November 13, 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 December 2, 2024 pursuant to 29 **Del.C.** §10118(a).

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE

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

The Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board"), pursuant to 24 **Del.C.** §3706(a)(1), proposes to amend its rules and regulations. The revisions include clarification of the licensure requirements for the professions regulated by the Board. Specifically, training requirements for hearing aid dispensers are amended to add successful completion of the International Hearing Society's curriculum "Distance Learning for Professionals in Hearing Health Sciences." Proposed amendments also eliminate the cap on the number of times that a hearing aid dispenser applicant may take the licensure examination. Sections pertaining to audiology and speech/language pathology aides are stricken because the Board does not license these professions. In addition, continuing education requirements are amended to add two hours in ethics.

The Board will hold a public hearing on the proposed regulation changes on November 19, 2024, at 2:00 p.m., virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jessica Lobaccaro, Administrative Specialist for the Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or at jessica.lobaccaro@delaware.gov. Written comments will be accepted until December 4, 2024 pursuant to 29 **Del.C.** §10118(a).