
Delaware Register of Regulations

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Volume 28 - Issue 9, Pages 617-698



IN THIS ISSUE:

Regulations:
Proposed
Final

General Notices

Calendar of Events &
Hearing Notices



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

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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.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

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

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

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title.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

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

619

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
April 1	March 15	4:30 p.m.
May 1	April 15	4:30 p.m.
June 1	May 15	4:30 p.m.
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 15	4:30 p.m.

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TABLE OF CONTENTS

Cumulative Tables.....	622
------------------------	-----

PROPOSED

DEPARTMENT OF AGRICULTURE

Delaware Nutrient Management Commission

1204 Nutrient Management Turf Specific Regulations.....	628
---	-----

Food Product Inspection

303 Delaware Raw Milk Regulations.....	631
--	-----

DEPARTMENT OF EDUCATION

Office of the Secretary

890 Non-Academic Training for School Employees.....	632
1211 Career-Based Scholarship Program.....	635
1216 Educator Support Scholarship Program.....	638
1217 Mental Health Services Scholarship.....	641

Professional Standards Board

1571 Special Education Teacher of Students with Disabilities.....	644
1573 Teacher of Students with Autism or with Severe Intellectual Disabilities.....	650

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

Title XIX Medicaid State Plan - Juvenile Justice Initiative.....	651
--	-----

Division of Public Health

4104 Delaware Conrad State 30/J-1 Visa Waiver Program.....	654
4461 State of Delaware Milk Code.....	655

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Fish and Wildlife

3801 Shellfish Aquaculture.....	657
---------------------------------	-----

DEPARTMENT OF STATE

Division of Professional Regulation

3100 Board of Funeral Services.....	660
-------------------------------------	-----

Office of the Alcoholic Beverage Control Commissioner

Rule 203 (Formerly Rule 36) Delivery, Sale and Consumption of Alcoholic Liquors for On-Premises Consumption.....	661
---	-----

FINAL

DEPARTMENT OF EDUCATION

Office of the Secretary

1021 DIAA Committees.....	664
---------------------------	-----

DEPARTMENT OF FINANCE

Office of the State Lottery

203 Video Lottery and Table Game Regulations.....	665
---	-----

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Public Health

4465 Delaware Radiation Control Regulations.....	667
4466 Radiation Technologists/Technicians (Certification).....	668

Division of Social Services

Adjusting Food Benefit EBT Accounts: DSSM 9093.3.....	669
---	-----

TABLE OF CONTENTS

621

Babies Born to Teen Parents: DSSM 3008.1.1, 3008.1.2, and 4005.4.....	673
---	-----

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

Division of Management Support Services

501 Procedures for Drug Testing Certain Employees.....	675
--	-----

DEPARTMENT OF STATE

Division of Professional Regulation

1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners	679
--	-----

3900 Board of Social Work Examiners.....	681
--	-----

Division of Small Business

The STEM Talent Advancement and Retention ("STAR") Fund.....	682
--	-----

Public Service Commission

3012 Rules for Regulation of Net Metering.....	686
--	-----

GENERAL NOTICES

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Public Health

Public Comment on the Delaware Drinking Water State Revolving Fund Project Priority List Ranking Criteria.....	689
---	-----

DEPARTMENT OF INSURANCE

Office of the Commissioner

Autism Spectrum Disorders Coverage.....	690
---	-----

DEPARTMENT OF STATE

Division of Professional Regulation

2500 Board of Pharmacy.....	690
-----------------------------	-----

DEPARTMENT OF TRANSPORTATION

Division of Transportation Solutions

Senate Bill 89 as amended by Senate Amendment 1 - Welsh Tract Road (N367).....	691
--	-----

CALENDAR OF EVENTS/HEARING NOTICES

Delaware River Basin Commission; Notice of Quarterly Business Meeting.....	693
--	-----

Department of Agriculture, Delaware Nutrient Management Commission, Food Product Inspection; Notices of Public Hearing and Public Comment Periods.....	693
---	-----

Department of Education; Notice of Monthly Public Meeting.....	694
--	-----

Dept. of Health and Social Services, Div. of Medicaid and Medical Assistance, Division of Public Health; Notices of Public Comment Periods.....	694-695
--	---------

Department of Natural Resources and Environmental Control, Division of Fish and Wildlife; Notice of Public Hearing and Public Comment Period.....	696
--	-----

Department of State, Division of Professional Regulation, Office of the Alcoholic Beverage Control Commissioner; Notices of Public Hearing and Public Comment Periods.....	697
---	-----

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

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

DELAWARE RIVER BASIN COMMISSION

Rules of Practice and Procedure..... 28 DE Reg. 37 (Final)

DELAWARE STATE FIRE PREVENTION COMMISSION

710 Ambulance Service Regulations..... 28 DE Reg. 40 (Final)
28 DE Reg. 41 (Final)

DEPARTMENT OF AGRICULTURE**Delaware Forest Service**

401 Forest Service Erosion and Sedimentation Regulations..... 28 DE Reg. 81 (Prop.)
28 DE Reg. 287 (Final)

Delaware Jockeys' Health and Welfare Benefit Board

1002 Delaware Jockeys' Health and Welfare Benefit Board Regulations..... 28 DE Reg. 82 (Prop.)
28 DE Reg. 381 (Final)

Delaware Nutrient Management Commission

1201 Nutrient Management Certification Regulations..... 28 DE Reg. 174 (Prop.)
28 DE Reg. 384 (Final)

Delaware Standardbred Breeder's Fund

502 Standardbred Breeders' Fund Regulations..... 28 DE Reg. 111 (Final)

Office of the Secretary

601 Delaware Pesticide Rules and Regulations..... 28 DE Reg. 252 (Prop.)
..... 28 DE Reg. 576 (Final)

DEPARTMENT OF EDUCATION**Office of the Secretary**

101 State Assessment System..... 28 DE Reg. 220 (Final)
235 Teacher of the Year Award..... 28 DE Reg. 43 (Final)
275 Charter Schools..... 28 DE Reg. 254 (Prop.)
..... 28 DE Reg. 527 (Final)
..... 28 DE Reg. 288 (Final)
288 Standards for Professional Learning..... 28 DE Reg. 112 (Final)
290 Approval of Educator Preparation Programs..... 28 DE Reg. 114 (Final)
291 Alternative Routes to Certification (ARTC) Programs 28 DE Reg. 419 (Prop.)
294 Data Governance..... 28 DE Reg. 44 (Final)
506 Policies for Dual Enrollment and Awarding Dual Credit..... 28 DE Reg. 8 (Prop.)
545 K to 12 Counseling Programs..... 28 DE Reg. 290 (Final)
..... 28 DE Reg. 422 (Prop.)
..... 28 DE Reg. 577 (Final)
..... 28 DE Reg. 115 (Final)
729 School Custodians 28 DE Reg. 223 (Final)
815 Health Examinations and Screening..... 28 DE Reg. 11 (Prop.)
922 Children with Disabilities Subpart A, Purposes and Definitions.....
923 Children with Disabilities Subpart B General Duties and
Eligibility of Agencies..... 28 DE Reg. 12 (Prop.)
925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination,
Individualized Education Programs..... 28 DE Reg. 14 (Prop.)
1008 DIAA Junior High and Middle School Interscholastic Athletics..... 28 DE Reg. 116 (Final)

1009 DIAA High School Interscholastic Athletics	28 DE Reg. 117 (Final)
.....	28 DE Reg. 119 (Final)
.....	28 DE Reg. 176 (Prop.)
.....	28 DE Reg. 385 (Final)
1021 DIAA Committees.....	28 DE Reg. 257 (Prop.)
1023 DIAA Sportsmanship.....	28 DE Reg. 84 (Prop.)
.....	28 DE Reg. 292 (Final)
1024 DIAA Member Schools.....	28 DE Reg. 86 (Prop.)
.....	28 DE Reg. 293 (Final)
1028 Student Athlete Eligibility: Enrollment and Attendance	28 DE Reg. 120 (Final)
1029 Student Athlete Eligibility: Transfers	28 DE Reg. 124 (Final)
1030 Student Athlete Eligibility: Amateur Status.....	28 DE Reg. 15 (Prop.)
.....	28 DE Reg. 294 (Final)
1035 In-Season Athletic Activities and Contact	28 DE Reg. 126 (Final)
1043 Officials	28 DE Reg. 127 (Final)
1211 Career-Based Scholarship Program	28 DE Reg. 128 (Final)
1216 Educator Support Scholarship Program	28 DE Reg. 130 (Final)
1217 Mental Health Services Scholarship	28 DE Reg. 131 (Final)
Professional Standards Board	
1503 Comprehensive Educator Induction Programs.....	28 DE Reg. 18 (Prop.)
.....	28 DE Reg. 296 (Final)
1511 Continuing License.....	28 DE Reg. 20 (Prop.)
.....	28 DE Reg. 297 (Final)
1517 Paraeducator Permit.....	28 DE Reg. 490 (Prop.)
1519 Multiple Measures for Demonstrating Content Knowledge.....	28 DE Reg. 346 (Prop.)
.....	28 DE Reg. 529 (Final)
1521 Elementary Teacher.....	28 DE Reg. 348 (Prop.)
.....	28 DE Reg. 530 (Final)
1531 Middle Level English Language Arts Teacher.....	28 DE Reg. 298 (Final)
1532 Middle Level Mathematics Teacher.....	28 DE Reg. 300 (Final)
1533 Middle Level Science Teacher.....	28 DE Reg. 301 (Final)
1534 Middle Level Social Studies Teacher.....	28 DE Reg. 304 (Final)
1539 Health Education Teacher.....	28 DE Reg. 297 (Final)
1540 Secondary English Language Arts Teacher.....	28 DE Reg. 261 (Prop.)
.....	28 DE Reg. 531 (Final)
1542 Secondary Mathematics Teacher.....	28 DE Reg. 263 (Prop.)
.....	28 DE Reg. 533 (Final)
1543 Secondary Science Teacher.....	28 DE Reg. 264 (Prop.)
.....	28 DE Reg. 534 (Final)
1544 Secondary Social Studies Teacher.....	28 DE Reg. 266 (Prop.)
.....	28 DE Reg. 536 (Final)
1549 Dance Teacher	28 DE Reg. 133 (Final)
1550 Agriscience Teacher.....	28 DE Reg. 268 (Prop.)
.....	28 DE Reg. 537 (Final)
1551 Business, Finance, or Marketing Education Teacher.....	28 DE Reg. 21 (Prop.)
.....	28 DE Reg. 306 (Final)
1554 Family and Consumer Sciences Teacher.....	28 DE Reg. 492 (Prop.)
1557 Technology and Engineering Teacher.....	28 DE Reg. 25 (Prop.)
.....	28 DE Reg. 307 (Final)
1558 Theatre Teacher.....	28 DE Reg. 134 (Final)
1560 Visual Arts Teacher	28 DE Reg. 136 (Final)
1563 Music Teacher.....	28 DE Reg. 137 (Final)
1564 Physical Education Teacher.....	28 DE Reg. 309 (Final)
1565 World Language Teacher.....	28 DE Reg. 352 (Prop.)
.....	28 DE Reg. 539 (Final)
1572 Teacher of Students Who Are Gifted or Talented.....	28 DE Reg. 497 (Prop.)

1591 School Principal and Assistant School Principal.....	28 DE Reg. 177 (Prop.)
1592 Certified Central Office Personnel.....	28 DE Reg. 447 (Final)
	28 DE Reg. 183 (Prop.)
1593 Superintendent and Assistant Superintendent	28 DE Reg. 449 (Final)
	28 DE Reg. 189 (Prop.)
1594 Special Education Director.....	28 DE Reg. 450 (Final)
	28 DE Reg. 195 (Prop.)
1596 Charter School Leader.....	28 DE Reg. 452 (Final)
	28 DE Reg. 269 (Prop.)
	28 DE Reg. 569 (Prop.)
1598 Delaware Professional Development Standards.....	28 DE Reg. 310 (Rep.)

DEPARTMENT OF FINANCE

Office of the State Lottery

203 Video Lottery and Table Game Regulations.....	28 DE Reg. 386 (Final)
	28 DE Reg. 423 (Prop.)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Medicaid and Medical Assistance

Continuous Eligibility and Removal of Premiums for CHIP:	
DSSM 15300.4, 18300, 18600, 18700, 18800.1, and 18800.2.....	28 DE Reg. 45 (Final)
Title XIX Medicaid State Plan - Cellular and Gene Therapy.....	28 DE Reg. 358 (Prop.)
	28 DE Reg. 540 (Final)
Title XIX Medicaid State Plan - Imported Drugs	28 DE Reg. 141 (Final)
Title XIX Medicaid State Plan - Medicaid Workers with Disabilities	
(MWD) Premiums: DSSM 17000.....	28 DE Reg. 48 (Final)
Title XIX Medicaid State Plan - Medicaid Recovery Audit Contractor's	
(RAC) Program.....	28 DE Reg. 362 (Prop.)
	28 DE Reg. 547 (Final)
Title XIX Medicaid State Plan - Nursing Facility Rates.....	28 DE Reg. 425 (Prop.)
Title XIX Medicaid State Plan - Personal Needs Allowance.....	28 DE Reg. 364 (Prop.)
	28 DE Reg. 545 (Final)
Title XIX Medicaid State Plan - Pharmacists as Providers.....	28 DE Reg. 29 (Prop.)
	28 DE Reg. 224 (Final)
Title XIX Medicaid State Plan - Retroactive Eligibility.....	28 DE Reg. 387 (Final)
Title XIX Medicaid State Plan - School Based Services.....	28 DE Reg. 427 (Prop.)
	28 DE Reg. 579 (Final)
Title XIX Medicaid State Plan - Third Party Liability.....	28 DE Reg. 51 (Final)
Title XIX Medicaid State Plan - Vaccines.....	28 DE Reg. 274 (Prop.)
	28 DE Reg. 453 (Final)
Title XXI CHIP State Plan: CHIP Vaccines	28 DE Reg. 139 (Final)

Division of Public Health

4103 Inherited Metabolic Disorders.....	28 DE Reg. 276 (Prop.)
4106 Practice of Non-Nurse Midwifery.....	28 DE Reg. 202 (Prop.)
	28 DE Reg. 455 (Rep.)
4204 Care and Transportation of the Dead.....	28 DE Reg. 204 (Prop.)
4306 Stroke System Regulation.....	28 DE Reg. 205 (Prop.)
	28 DE Reg. 390 (Final)
4465 Delaware Radiation Control Regulations.....	28 DE Reg. 312 (Final)
	28 DE Reg. 429 (Prop.)
4466 Radiation Technologists/Technicians (Certification).....	28 DE Reg. 313 (Final)
	28 DE Reg. 430 (Prop.)
4470 State of Delaware Medical Marijuana Code.....	28 DE Reg. 279 (Prop.)

Division of Social Services

Adjusting Food Benefit EBT Accounts: DSSM 9093.3.....	28 DE Reg. 431 (Prop.)
Babies Born to Teen Parents: DSSM 3008.1.1, 3008.1.2, and 4005.4.....	28 DE Reg. 434 (Prop.)
Determining Child Care Copayments: DSSM 11004.7.....	28 DE Reg. 53 (Final)

Paying for Absent Days and Holidays in Child Care: DSSM 11006.4.1.....	28 DE Reg. 55 (Final)
DEPARTMENT OF HUMAN RESOURCES	
Division of Statewide Benefits	
2007 Disability Insurance Program Rules and Regulations.....	28 DE Reg. 57 (Final)
DEPARTMENT OF INSURANCE	
Office of the Commissioner	
611 Automobile Insurance Premium Refunds.....	28 DE Reg. 144 (Final)
1401 Medical Malpractice Review Panel Rules.....	28 DE Reg. 369 (Prop.)
DEPARTMENT OF JUSTICE	
Fraud and Consumer Protection Division	
104 Privacy Policies for Commercial Online Sites, Services, and Applications	28 DE Reg. 280 (Prop.) 28 DE Reg. 458 (Rep.)
DEPARTMENT OF LABOR	
Division of Employment & Training	
1103 Worker Adjustment and Retraining Notification (WARN) Regulations.....	28 DE Reg. 92 (Prop.) 28 DE Reg. 463 (Final)
Division of Industrial Affairs	
1342 Health Care Practice Guidelines:.....	28 DE Reg. 146 (Final)
PART A Carpal Tunnel Syndrome Guidelines	
PART B Chronic Pain Treatment Guidelines	
PART C Cumulative Trauma Disorder Medical Treatment Guidelines	
PART D Low Back Treatment Guidelines	
PART E Shoulder Treatment Guidelines	
PART F Cervical Treatment Guidelines	
PART G Lower Extremity Treatment Guidelines	
Division of Paid Leave	
1401 Rules Defining and Regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program and the Division of Paid Leave	28 DE Reg. 147 (Final) 28 DE Reg. 373 (Prop.) 28 DE Reg. 601 (Final)
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	
Division of Air Quality	
1104 Particulate Emissions from Fuel Burning Equipment.....	28 DE Reg. 93 (Prop.) 28 DE Reg. 581 (Final)
1105 Particulate Emissions from Industrial Process Operations	28 DE Reg. 95 (Prop.) 28 DE Reg. 585 (Final)
1109 Emissions of Sulfur Compounds From Industrial Operations	28 DE Reg. 99 (Prop.) 28 DE Reg. 591 (Final)
1114 Visible Emissions	28 DE Reg. 103 (Prop.) 28 DE Reg. 596 (Final)
1130 Title V State Operating Permit Program.....	28 DE Reg. 149 (Final)
Division of Fish & Wildlife	
3504 Striped Bass Possession Size Limit; Exceptions.....	28 DE Reg. 58 (Final)
3519 Atlantic Croaker Recreational Possession Limit.....	28 DE Reg. 314 (Final)
3519 Atlantic Croaker Recreational Possession Limit.....	28 DE Reg. 316 (Final)

DEPARTMENT OF SAFETY AND HOMELAND SECURITY**Office of the Marijuana Commissioner**

5001 Rules of the Office of the Marijuana Commissioner.....	28 DE Reg. 32 (Prop.)
	28 DE Reg. 226 (Final)
	28 DE Reg. 317 (Final)

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES**Division of Management Support Services**

501 Procedures for Drug Testing Certain Employees.....	28 DE Reg. 503 (Prop.)
--	------------------------

DEPARTMENT OF STATE**Division of Professional Regulation**

103 Regulations Governing Charitable Gaming Other Than Raffles.....	28 DE Reg. 105 (Prop.)
	28 DE Reg. 391 (Final)
500 Board of Podiatry.....	28 DE Reg. 33 (Prop.)
1100 Board of Dentistry and Dental Hygiene.....	28 DE Reg. 60 (Final)
	28 DE Reg. 62 (Final)
1400 Board of Electrical Examiners.....	28 DE Reg. 465 (Final)
1700 Board of Medical Licensure and Discipline.....	28 DE Reg. 106 (Prop.)
	28 DE Reg. 375 (Prop.)
	28 DE Reg. 604 (Final)
1900 Board of Nursing.....	28 DE Reg. 284 (Prop.)
	28 DE Reg. 324 (Final)
	28 DE Reg. 606 (Final)
	28 DE Reg. 607 (Final)
2500 Board of Pharmacy.....	28 DE Reg. 507 (Prop.)
2600 Examining Board of Physical Therapists and Athletic Trainers.....	28 DE Reg. 395 (Final)
2930 Council on Real Estate Appraisers.....	28 DE Reg. 396 (Final)
3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals.....	28 DE Reg. 34 (Prop.)
	28 DE Reg. 467 (Final)
3500 Board of Examiners of Psychologists.....	28 DE Reg. 468 (Final)
3700 Board of Examiners of Speech/Language Pathologists, Audiologists & Hearing Aid Dispensers.....	28 DE Reg. 286 (Prop.)
	28 DE Reg. 437 (Prop.)
3900 Board of Social Work Examiners.....	28 DE Reg. 439 (Prop.)
4400 Delaware Manufactured Home Installation Board.....	28 DE Reg. 441 (Prop.)
5200 Board of Examiners of Nursing Home Administrators	28 DE Reg. 109 (Prop.)
	28 DE Reg. 610 (Final)
5300 Board of Massage and Bodywork	28 DE Reg. 110 (Prop.)
	28 DE Reg. 469 (Final)

Division of Small Business

The Delaware Grocery Initiative.....	28 DE Reg. 441 (Prop.)
	28 DE Reg. 612 (Final)
The STEM Talent Advancement and Retention ("STAR") Fund.....	28 DE Reg. 513 (Prop.)

Office of the Alcoholic Beverage Control Commissioner

507 Licensing Third-party Delivery of Alcoholic Beverages.....	28 DE Reg. 516 (Prop.)
601 (Formerly Rule 35.1) Gathering Licenses.....	28 DE Reg. 318 (Final)
Rule 701 (Formerly Rule 51) A Rule Requiring the Biennial Renewal of Wholesale, Retail, and Annual Gathering Licenses.....	28 DE Reg. 320 (Final)
Rule 702 (formerly Rule 51.1) A Rule Requiring the Biennial Renewal of Supplier's Licenses.....	28 DE Reg. 320 (Final)
Rule 1008 (Formerly Rule 19.1) Bottle Clubs - Licensing and Operation.....	28 DE Reg. 321 (Final)

Public Service Commission

3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions.....	28 DE Reg. 522 (Prop.)
3007 Electric Service Reliability and Quality Standards.....	28 DE Reg. 34 (Prop.)
3012 Rules for Regulation of Net Metering.....	28 DE Reg. 443 (Prop.)

DEPARTMENT OF TRANSPORTATION**Division of Transportation Solutions**

2401 Utilities Manual Regulations.....	28 DE Reg. 575 (Prop.)
2409 Procedures for Establishment of Fee Simple Ownership by the State of Delaware for Abandoned Right of Way Easements.....	28 DE Reg. 217 (Prop.)

OFFICE OF MANAGEMENT AND BUDGET**Division of Facilities Management**

4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects.....	28 DE Reg. 30 (Prop.) 28 DE Reg. 228 (Final) 28 DE Reg. 326 (Final)
--	--

OFFICE OF THE STATE TREASURER**Cash Management Policy Board**

1201 Statement of Objectives and Guidelines for the Investment of State of Delaware Funds.....	28 DE Reg. 377 (Prop.) 28 DE Reg. 549 (Final)
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Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF AGRICULTURE**DELAWARE NUTRIENT MANAGEMENT COMMISSION**

Statutory Authority: 3 Delaware Code, Sections 2201(5), 2220(a), and 2250(a) (3 **Del.C.** §§2201(5), 2220(a), and 2250(a))

PUBLIC NOTICE**1204 Nutrient Management Turf Specific Regulations**

The Delaware Nutrient Management Commission, pursuant to 3 **Del.C.** §§2201(5) and 2220(a), proposes the adoption of 3 **DE Admin. Code** 1204 Nutrient Management Turf Specific Regulations to regulate the application of nutrients to turf, including home and commercial lawns, over ¼ acre in size. The proposed regulations exclude athletic fields, golf courses, residential lots less than ¼ acre in size, and land used in the production for sale of sod or seed and only applies to commercial nutrient handlers who are paid to apply such nutrients.

Written comments should be sent to Brooke Walls, Acting-Administrator of the Delaware Nutrient Management Commission, 2320 S. DuPont Highway, Dover DE 19901. Written comments will be accepted until 5:00 p.m. on March 31, 2025 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/march2025/proposed/28 DE Reg 628RFA 03-01-25.pdf>

1204 Nutrient Management Turf Specific Regulations**1.0 PREAMBLE**

This regulation has been developed pursuant to 3 **Del.C.** Ch. 22. That statute established the Delaware Nutrient Management Commission and authorized the Commission to develop, review, approve, and enforce nutrient management regulations, including regulations governing the application of nutrients to turf. This regulation was developed by the Commission and the Delaware Department of Agriculture. It is adopted with the guidance, advice, and consent of the Commission.

2.0 Authority

This regulation is promulgated pursuant to the authority provided by 3 **Del.C.** §§2201(5), 2220(a), and 2250(a).

3.0 Purpose

The purpose of this regulation is to establish requirements for nutrient applications, record keeping, and enforcement pertaining to turf pursuant to 3 **Del.C.** §2250.

4.0 Definitions

For purposes of this regulation, the following words or terms shall have the following meaning:

"Applying", or any derivation of the word **"apply"**, as it relates to the application of nutrients, means the human controlled mechanical conveyance of nutrients to land for the purpose of applying organic or inorganic nutrients.

"Certification" means the recognition by the Commission that a person has met the qualification standards established by the Commission and has been issued a written certificate authorizing such person to perform certain functions specified in this regulation.

"Commercial nutrient handler" means a person in this State who applies, uses, or supervises the application of organic or inorganic nutrients to turf or land as a component of a commercial or agricultural business in exchange for a fee or service charge.

"Commission" or **"DNMC"** means the Delaware Nutrient Management Commission.

"Enhanced efficiency fertilizer" means a fertilizer product that increases plant uptake and decreases the potential of nutrient loss to the environment, including gaseous loss, leaching, or runoff, when compared to an appropriate reference fertilizer product.

"Person" means any individual, partnership, association, fiduciary, or corporation or any organized group of persons, whether incorporated or not.

"State Nutrient Management Program" or **"SNMP"** means all the nutrient management program elements developed by the Commission, whether or not reduced to rules or regulations.

"Turf" means residential, commercial, and publicly owned lands planted in closely mowed and managed grass. Turf does not include athletic fields, golf courses, residential lots less than 1/4 acre (10,890 square feet) in size, or land used in the production for sale of sod or seed.

"Waterways" means all tidal waters (up to the mean high water line) as well as all non-tidal rivers, streams, lakes, ponds, bays, and inlets (up to the ordinary high water line).

"Wetlands" means those lands above the mean low water elevation including any bank, marsh, swamp, meadow, flat, or other low land subject to tidal action in the State of Delaware along the Delaware Bay and Delaware River, Indian River Bay, Rehoboth Bay, Little and Big Assawoman Bays, the coastal inland waterways, or along any inlet, estuary, or tributary waterway or any portion of those waterways, including those areas which are now or in this century have been connected to tidal waters, whose surface is at or below an elevation of 2 feet above local mean high water, and upon which may grow or is capable of growing any of the following plants:

Eelgrass (*Zostera marina*), Widgeon Grass (*Ruppia maritima*), Sago Pondweed (*Potamogeton pectinatus*), Saltmarsh Cordgrass (*Spartina alterniflora*), Saltmarsh Grass (*Spartina cynosuroides*), Saltmarsh Hay (*Spartina patens*), Spike Grass (*Distichlis spicata*), Black Grass (*Juncus gerardii*), Switch Grass (*Panicum virgatum*), Three Square Rush (*Scirpus americanus*), Sea Lavender (*Limonium carolinianum*), Seaside Goldenrod (*Solidago sempervirens*), Seablite (*Suaeda maritima*), Seablite (*Suaeda lineraris*), Perennial Glasswort (*Salicornia virginica*), Dwarf Glasswort (*Salicornia Bigelovii*), Samphire (*Salicornia europaea*), Marsh Aster (*Aster Tenuifolius*), Saltmarsh Fleabane (*Pluchea purpurascens* var. *succulenta*), Mock Bishop's Weed (*Ptilimnium capillaceum*), Seaside Plantain (*Plantago oliganthus*), Orach (*Atriplex patula* var. *hastata*), Marsh Elder (*Iva frutescens* var. *oraria*), Groundsel Bush (*Baccharis halimifolia*), Bladderwrack (*Fucus vesiculosus*), Swamp Rose Mallow, Seaside Hollyhock or Marsh Mallow (*Hibiscus palustris*), Torrey Rush (*Scirpus torreyi*), Narrow-leaved Cattail (*Typha angustifolia*), and Broad-leaved Cattail (*T. latifolia*) and those lands not used for agricultural purposes in 1973, containing 400 acres or more of contiguous non-tidal swamp.

bog, muck, or marsh exclusive of narrow stream valleys and tax ditches where fresh water stands most, if not all of the time due to high water table, which contribute significantly to ground water recharge, and which would require intensive artificial drainage using equipment such as pumping stations, drain fields or ditches for the production of agricultural crops.

5.0 Certification Requirements

Any person who applies, uses, or supervises the application of organic or inorganic nutrients to turf or land as a component of a commercial or agricultural business in exchange for a fee or service charge on or after January 1, 2027 must first be certified by the SNMP as a commercial nutrient handler.

6.0 Nutrient Handling Requirements

6.1 As required by Title 3, Chapter 22, nitrogen and phosphorus applied to turf in excess of ¼ acre (10,890 square feet) shall be applied according to the following, unless covered by a nutrient management plan as defined in 3 Del.C. §2202(15):

6.1.1 Nitrogen applications shall not exceed 3.0 pounds per 1,000 square feet per annum or 1.0 pounds per 1,000 square feet per application unless:

6.1.1.1 Enhanced efficiency fertilizers account for less than 70% of application products for a maximum of 3.5 pounds per 1,000 square feet per annum or 1.0 pounds per 1,000 square feet per application.

6.1.1.2 Enhanced efficiency fertilizers account for more than 70% of application products for a maximum of 4.0 pounds per 1,000 square feet per annum or 1.0 pounds per 1,000 square feet per application.

6.1.2 Phosphorus applications may only be applied if a soil test shows a phosphorus fertility index value under 100. The test must be taken for each new customer and annually in the 12-month period phosphorous will be applied.

6.2 Setbacks

6.2.1 No nitrogen or phosphorus should be applied to impervious surfaces. Products that land on impervious surfaces must be swept back into the lawn or otherwise removed and properly disposed.

6.2.2 No nitrogen or phosphorus may be applied within 15 feet of waterways or wetlands, unless using drop spreader, rotary spreader with deflector shield, or targeted spray, then may reduce setback to 10 feet.

7.0 Record Keeping

7.1 Commercial Nutrient Handlers applying nitrogen or phosphorus to turf shall record and keep a contemporaneously recorded log available for inspection at all times by the Secretary of the Delaware Department of Agriculture or the Secretary's designee, or the Commission.

7.2 The log must include:

7.2.1 Name of applicator;

7.2.2 Size of area fertilized;

7.2.3 Date of application;

7.2.4 Address and location of client;

7.2.5 Rate of application;

7.2.6 Total amount of fertilizer used per application;

7.2.7 Analysis of fertilizer product used; and

7.2.8 Original or legible copy of the fertilizer label.

8.0 Penalties

8.1 Non-compliance with this regulation may result in an enforcement action, including imposition of fines, as described:

8.1.1 First offense of non-compliance will result in education and opportunity to correct.

8.1.2 Second offense of non-compliance will result in a monetary penalty of \$500.

8.1.3 Third offense of non-compliance will result in a monetary penalty of \$1000.

8.1.4 Certification suspension to be determined through hearing by the Commission.

FOOD PRODUCT INSPECTION

Statutory Authority: 3 Delaware Code, Section 3181 (3 Del.C. §3181)

PUBLIC NOTICE

303 Delaware Raw Milk Regulations

Summary

The Delaware Department of Agriculture, in consultation with the Delaware Department of Health and Social Services, proposes to adopt a new regulation regarding fresh milk and raw milk in accordance with Title 3, Section 3181 of the Delaware Code. The purpose of the proposed regulation is to administer and enforce the permitting, testing, and inspection requirements applicable to the sale and distribution of fresh milk, raw milk, and other products derived from raw milk that are intended for human consumption. 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 March 1, 2025 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture Food Products Inspection, 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.

A public hearing will be held on March 25, 2025 at 9:30 a.m. in Conference Room A at the Delaware Department of Agriculture, 2320 South Dupont Highway Dover, Delaware. 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 April 11, 2025. Written materials submitted will be available for inspection at the above address.

*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/march2025/proposed/28 DE Reg 631RFA 03-01-25.pdf>

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 631 03-01-25.htm>

DEPARTMENT OF EDUCATION**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 4162 (14 Del.C. §4162)

PUBLIC NOTICE**Educational Impact Analysis Pursuant to 14 Del.C. §122(d)****890 Non-Academic Training for School Employees****A. TYPE OF REGULATORY ACTION REQUIRED**

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Under 14 Del.C. §4162, the Delaware Department of Education proposes new regulation 14 DE Admin. Code 890 Non-Academic Training for School Employees. This regulation is being introduced in accordance with requirements outlined in 14 Del.C. §4162 to provide a schedule for non-academic training for school employees and further provisions in 14 Del.C. Chapter 41, Subchapter 11 for development and review of the required non-academic trainings. The requirements of the proposed regulation will be effective ten days after the final regulation order is published.

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

C. IMPACT CRITERIA

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

2. Will the regulation help ensure that all students receive an equitable education? The regulation will help ensure all students receive an equitable education.

3. Will the regulation help to ensure that all students' health and safety are adequately protected? The regulation will help ensure all students' health and safety are adequately protected by school district and charter school employees adequately trained in areas related to child abuse and child safety awareness, bullying prevention, criminal youth gang detection, and suicide prevention. Additionally, administrators, school counselors, and school nurses receive training on adult sexual misconduct, and teen dating violence.

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

5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The regulation does not change the decision making at the local board and school level.

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

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The regulation does not change the decision making authority and accountability for addressing the subject to be regulated. By statute, the Department is authorized to promulgate regulations to implement and enforce 14 Del.C. Chapter 41, Subchapter II.

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

subjects of mathematics, science, language arts and social studies? The new regulation is consistent with and not an impediment to the implementation of other state educational policies.

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

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

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 632RFA 03-01-25.pdf>

890 Non-Academic Training for School Employees

1.0 Purpose

The purpose of this regulation is to create a schedule for the non-academic trainings required in 14 Del.C. §4162 and to further address the development and review of training in 14 Del.C., Ch. 41, Subchapter II.

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 is operated under a charter granted by, or transferred to, the Department or other authorizing body pursuant to 14 Del.C. Ch. 5.

"Department" means the Delaware Department of Education.

"New school district and charter school employee" means individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, who were hired by a school district, charter school, or alternative program during the current school year. This term does not include school district or charter school employees who were previously employed by a Delaware school district, charter school or alternative program during the prior school year.

"School district" means a clearly defined geographic subdivision of the State of Delaware organized for the purpose of administering public education in that area and includes a district specifically created to administer a system of vocational or technical education.

"School district and charter school employee" means all individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, hired by a school district, charter school, or alternative program, who provide services to students on a regular, ongoing basis. This term does not include contractors or subcontractors, such as bus drivers or security guards; substitute employees; and individuals hired by or subcontracted by other state agencies to work on school property.

3.0 Non-academic Training Requirements

3.1 Under 14 Del.C. §4162, a school district and charter school employee is required to receive 9 hours of non-academic training every 3 years.

3.1.1 4 hours of training shall be on child abuse and child safety awareness, prevention, detection, and reporting under 14 Del.C. §4163(b)(1).

3.1.2 1 hour of training shall be on school bullying prevention and criminal youth gang detection under 14 Del.C. §4164(a).

3.1.3 3 hours of training shall be on suicide prevention under 14 Del.C. §4165(a), and 60 minutes of training is required each year.

3.1.4 1 hour of additional, non-academic training related to subsections 3.1.1 through 3.1.3 of this regulation is also required under 14 Del.C. §4162(a)(4).

- 3.2 A new school district and charter school employee is required to complete the courses in subsections 3.2.1 through 3.2.3 of this regulation within 30 calendar days of employment with the school district or charter school unless the employee completed those courses during the prior school year.
- 3.2.1 1 hour of training shall be on child abuse and child safety awareness, prevention, detection, and reporting under 14 Del.C. §4163(b)(1).
- 3.2.2 1 hour of training shall be on school bullying prevention and criminal youth gang detection under 14 Del.C. §4164(a).
- 3.2.3 1 hour of training shall be on suicide prevention under 14 Del.C. §4165(a).
- 3.3 School administrators, school nurses, and school counselors have additional non-academic training requirements.
- 3.3.1 1 hour of training on adult sexual misconduct is required under 14 Del.C. §4163(b)(4) every 3 years.
- 3.3.2 For those serving students in grades 7 through 12:
- 3.3.2.1 1 hour of training on teen dating violence and sexual assault is required under 14 Del.C. §4166(a) every 3 years.
- 3.3.2.2 In addition to subsection 3.2, a new school district and charter school employee, who is a school administrator, school nurse, and school counselor, serving students in grades 7 through 12 is required to complete 1 hour of training on teen dating violence and sexual assault under 14 Del.C. §4166(a) within 30 calendar days of employment.

4.0 Development and Review of Trainings

The Department shall collaborate with stakeholders regarding the development and review of non-academic trainings as per 14 Del.C. Ch. 41, Subchapter II. The review will occur every 3 years at a minimum to ensure the content is relevant to Delaware students and to conform with best practices.

5.0 Training Schedule

- 5.1 Effective beginning with the 2025-2026 school year, the Department shall implement a schedule for the required non-academic trainings in Section 3.0 of this regulation. The non-academic training schedule shall follow a 10-year cycle.
- 5.1.2 For year 1 of each 10-year cycle, the Department shall make 3 courses available in its professional development management system.
- 5.1.2.1 The new school district and charter school employee course that satisfies the requirements in subsection 3.2 of this regulation.
- 5.1.2.2 The new school district and charter school employee course for school administrators, school nurses, and school counselors that satisfies the requirements in subsection 3.3.2.2 of this regulation.
- 5.1.2.3 The suicide prevention course for all employees that satisfies the 1 hour annual requirement in subsection 3.1.3 of this regulation.
- 5.1.3 For the next 9 consecutive school years of the cycle, the Department shall make the following courses available in its professional development management system:
- 5.1.3.1 A new school district and charter school employee course that satisfies the requirements in subsection 3.2 of this regulation.
- 5.1.3.2 A new school district and charter school employee course for school administrators, school nurses, and school counselors that satisfies the requirements in subsection 3.3.2.2 of this regulation.
- 5.1.3.3 A 3-hour annual course for all employees that will satisfy the requirements in subsection 3.1 over a 3-year period.
- 5.1.3.4 The school administrator, school nurse, and school counselor courses that satisfy the requirements in 3.3.1 and 3.3.2 of this regulation over a 3-year period.

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- 5.2 After 10 years, the training cycle repeats at subsection 5.1.2 of this regulation for the next 10-year period and then for every 10-year period thereafter.
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OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3416
(14 Del.C. §§ 122(b)(8), 181(15), 183, 3402(c), & 3416)
14 DE Admin. Code 1211

PUBLIC NOTICE

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

1211 Career-Based Scholarship Program

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), and 3416, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), developed amendments to 14 DE Admin. Code 1211 Career-Based Scholarship Program. The Career-Based Scholarship Program is a student financial assistance for higher education program that is administered by DHEO. The proposed amendments include reinstating the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstating the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstating the information that DHEO will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA.

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

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.
3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to ensure that all 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 concerns a student financial assistance for higher education

program and does not change authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

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 of complying with the amended regulation. The regulation does not apply to local school boards.?

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 635RFA 03-01-25.pdf>

1211 Career-Based Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Career-Based Scholarship Program pursuant to 14 Del.C. §3416.

2.0 Definitions

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

"Award" means a scholarship awarded under the Career-Based Scholarship Program.

"Delaware Higher Education Office" or "DHEO" means the Department of Education's office which administers specific programs related to higher education, including, ~~but not limited to,~~ student financial assistance programs.

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

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

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

3.0 Eligibility

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

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

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

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

4.0 Application Requirements

- 4.1 The application acceptance and submission period for the Career-Based Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.
 - 4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
 - 4.1.2 Incomplete applications shall not be accepted or processed.
- 4.2 In order for an application to be considered complete, an applicant shall fulfill ~~the requirement in subsection 4.2.4~~ all of the requirements in subsections 4.2.1 and 4.2.2.
 - 4.2.1 The applicant shall complete an online application through the ~~Student Account Access Site~~ student account access site by the last date of the application acceptance period.
 - 4.2.1.1 Applicants may update their enrollment information on the ~~Student Account Access Site~~ student account access site through the last date of the application acceptance period.
 - 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
 - 4.2.2 ~~Reserved. The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.~~

5.0 Awards

- 5.1 DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for the Career-Based Scholarship Program and based on the size of the applicant pool, at least 1 applicant in each high need area career field will be awarded a scholarship annually.
- 5.2 To determine an applicant's financial need for the purpose of the Career-Based Scholarship, DHEO will ~~consider the expense of attending the applicant's college or university and the applicant's eligibility for state or private grant assistance.~~ consider:
 - 5.2.1 The applicant's expected family contribution, which is the number that is calculated using the financial information an applicant provides on the applicant's FAFSA to determine the applicant's eligibility for federal student aid;
 - 5.2.2 The expense of attending the applicant's college or university; and
 - 5.2.3 The applicant's eligibility for Pell grants and other federal, state, or private grant assistance.
- 5.3 An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An award is renewable for up to 3 years.
- 5.5 To be eligible to renew an award, a student shall update the student's enrollment information on the ~~Student Account Access Site~~ student account access site; continue to be enrolled in a program of study leading to a career in a high need field; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 A student shall not receive more than 4 annual awards.

6.0 Award Payment

- 6.1 Award payments shall be disbursed directly to the student's college or university only.
- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 **Del.C.** §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), 3402(h), and 3438

(14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), 3402(h), & 3438)
14 **DE Admin. Code** 1216

PUBLIC NOTICE

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

1216 Educator Support Scholarship Program**A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), 3402(h), and 3438, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), developed amendments to 14 **DE Admin. Code** 1216 Educator Support Scholarship Program. The Educator Support Scholarship Program is a student financial assistance for higher education program that is administered by DHEO. The proposed amendments include reinstating the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstating the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstating the information that DHEO will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA.

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

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.
3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to ensure that all 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 concerns a student financial assistance for higher education program and does not change authority and flexibility of decision makers at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements

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

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

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 of complying with the amended regulation. The regulation does not apply to local school boards.

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 638RFA 03-01-25.pdf>

1216 Educator Support Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Educator Support Scholarship Program pursuant to 14 Del.C. §3438.

2.0 Definitions

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

"Area of need" means 1 of the specific areas of need in which there is a shortage of teachers or specialists in Delaware as determined by the DHEO pursuant to 14 Del.C. §3438(b).

"Award" means a scholarship awarded under the Educator Support Scholarship Program.

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

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

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

3.0 Eligibility

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

3.1.1 The applicant shall be enrolled in an undergraduate or graduate program of study leading to a career as a teacher or specialist in an area of need.

3.1.1.1 Applicants who are enrolled in an undergraduate program of study shall be enrolled full-time. For the purpose of subsection 3.1.1.1, full-time means the minimum college credit hours for full-time status as an undergraduate student as required by the applicant's college or university. Generally, this is a minimum of 12 credit hours per term.

3.1.1.2 Applicants who are enrolled in a graduate program of study shall be enrolled full-time or part-time.

3.1.1.2.1 For the purpose of subsection 3.1.1.2, full-time means the minimum college credit hours for full-time status as a graduate student as required by the applicant's college or university. Generally, this is a minimum of 9 credit hours.

3.1.1.2.2 For the purpose of subsection 3.1.1.2, part-time means the minimum college credit hours for part-time status as a graduate student as required by the applicant's college or university. Generally, this is less than 9 credit hours.

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

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

4.0 Application Requirements

4.1 The application acceptance and submission period for the Educator Support Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.

4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.

4.1.2 Incomplete applications shall not be accepted or processed.

4.2 In order for an application to be considered complete, an applicant shall fulfill ~~the requirement in subsection 4.2.1~~ all of the requirements in subsections 4.2.1 and 4.2.2.

4.2.1 The applicant shall complete an online application through the ~~Student Account Access Site~~ student account access site by the last date of the application acceptance period.

4.2.1.1 Applicants may update their enrollment information on the ~~Student Account Access Site~~ student account access site through the last date of the application acceptance period.

4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.

4.2.2 ~~Reserved.~~ The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.

5.0 Awards

5.1 DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for the Educator Support Scholarship Program and based on the size of the applicant pool, at least 1 applicant in each area of need will be awarded a scholarship annually.

5.2 To determine an applicant's financial need for the purpose of the Educator Support Scholarship, DHEO will ~~consider the expense of attending the applicant's college or university and the applicant's eligibility for state or private grant assistance.~~ consider:

5.2.1 The applicant's student aid index, which is the number that is calculated using the financial information an applicant provides on the applicant's FAFSA to determine the applicant's eligibility for federal student aid;

5.2.2 The expense of attending the applicant's college or university; and

5.2.3 The applicant's eligibility for Pell grants and other federal, state, or private grant assistance.

5.3 An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.

5.4 An award is renewable for up to 3 additional years.

5.5 To be eligible to renew an award, a student shall update the student's enrollment information on the ~~Student Account Access Site~~ student account access site; continue to be enrolled in a program of study leading to a career as a teacher or specialist in an area of need; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible to receive financial aid.

5.6 A student shall not receive more than 4 annual awards.

6.0 Award Payment

- 6.1 Award payments shall be disbursed directly to the student's college or university only.
 - 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 **Del.C.** §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.
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OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3439(a)
(14 **Del.C.** §§ 122(b)(8), 181(15), 183, 3402(c), & 3439(a))
14 **DE Admin. Code** 1217

PUBLIC NOTICE**Educational Impact Analysis Pursuant to 14 Del.C. §122(d)****1217 Mental Health Services Scholarship****A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §§122(b)(8), 181(15), 183, 3402(c), and 3439(a), the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), developed amendments to 14 **DE Admin. Code** 1217 Mental Health Services Scholarship. The Mental Health Services Scholarship is a student financial assistance for higher education program that is administered by DHEO. The proposed amendments include reinstating the definition of Free Application for Federal Student Aid ("FAFSA") in Section 2.0, reinstating the requirement that applicants complete the FAFSA for the school year in which the scholarship is sought by the application deadline in subsection 4.2.2, and reinstating the information that DHEO will consider to determine an applicant's financial need for the scholarship's purpose in subsection 5.2. The proposed changes are a result of the U.S. Department of Education's release of the 2025-2026 FAFSA application which is fully operational, and students can successfully submit their FAFSA.

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

C. IMPACT CRITERIA

- 1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.
- 2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.
- 3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.
- 4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation concerns a student financial assistance for higher education program and is not designed to help to

ensure that all 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 concerns a student financial assistance for higher education program and does not change authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

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 of complying with the amended regulation. The regulation does not apply to local school boards.

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 641RFA 03-01-25.pdf>

1217 Mental Health Services Scholarship

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Mental Health Services Scholarship Program pursuant to 14 Del.C. §3439(a).

2.0 Definitions

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

"Award" means a scholarship awarded under the Mental Health Services Scholarship Program.

"Delaware Higher Education Office" or "DHEO" means the Department of Education's office which administers specific programs related to higher education, including, ~~but not limited to,~~ student financial assistance programs.

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

"Full-time student" means a graduate student enrolled in 9 or more credit hours.

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

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

3.0 Eligibility

3.1 In order to be eligible for an award under the Mental Health Services Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 and 3.1.2.

- 3.1.1 The applicant shall be enrolled as a full-time student in a master's degree program in a Delaware postsecondary institution that will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school.
- 3.1.2 The applicant shall meet the definition of residency as defined in 14 **Del.C.** §3402(f).

4.0 Application Requirements

- 4.1 The application acceptance and submission period for the Mental Health Services Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.
 - 4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
 - 4.1.2 Incomplete applications shall not be accepted or processed.
- 4.2 In order for an application to be considered complete, an applicant shall fulfill ~~the requirement in subsection 4.2.1~~ all of the requirements in subsections 4.2.1 and 4.2.2.
 - 4.2.1 The applicant shall complete an online application through the ~~Student Account Access Site~~ student account access site by the last date of the application acceptance period.
 - 4.2.1.1 Applicants may update their enrollment information on the ~~Student Account Access Site~~ student account access site through the last date of the application acceptance period.
 - 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
 - 4.2.2 ~~Reserved. The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.~~

5.0 Awards

- 5.1 DHEO determines the number and amount of awards to be given annually. The number and amount of awards each year will vary and is based on and subject to the General Assembly appropriating funds for the Mental Health Services Scholarship Program.
- 5.2 To determine an applicant's financial need for the purpose of the Mental Health Services Scholarship, DHEO will ~~consider the expense of attending the applicant's college or university and the applicant's eligibility for state or private grant assistance.~~ consider:
 - 5.2.1 The applicant's student aid index, which is the number that is calculated using the financial information an applicant provides on the applicant's FAFSA to determine the applicant's eligibility for federal student aid;
 - 5.2.2 The expense of attending the applicant's college or university; and
 - 5.2.3 The applicant's eligibility for Pell grants and other federal, state, or private grant assistance.
- 5.3 An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An award is renewable for up to 1 year.
- 5.5 To be eligible to renew an award, a student shall update the student's enrollment information on the ~~Student Account Access Site~~ student account access site; continue to be enrolled in a master's degree program in a Delaware postsecondary institution that will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 A student shall not receive more than 2 annual awards.

6.0 Award Payment

- 6.1 Award payments shall be disbursed directly to the student's college or university only.

- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 **Del.C.** §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

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 1571

PUBLIC NOTICE

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

1571 Special Education Teacher of Students with Disabilities

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** 1571 Special Education Teacher of Students with Disabilities. The regulation concerns the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. Amendments to this regulation include adding subsection 4.1.2 which outlines added literacy coursework as required by 14 **Del.C.** §1280 (c)(3). Additional proposed amendments include, in Section 2.0, revising the definition of "Regionally Accredited" based on the changes the U.S. Department of Education made to its recognition of accrediting bodies, amending the definition of the term "Employing Authority" to eliminate a redundant phrase, and amending subsection 3.2 to eliminate a redundant phrase. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 March 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? 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 Special Education Teacher of Students with Disabilities 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 the 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/march2025/proposed/28 DE Reg 644RFA 03-01-25.pdf>

1571 Special Education Teacher of Students with Disabilities

1.0 Content

1.1 This regulation shall apply to the issuance of a Special Education Teacher of Students with Disabilities (Category) Standard Certificate pursuant to 14 **Del.C.** §1220(a).

1.1.1 The Special Education Teacher of Students with Disabilities Standard Certificate is required for an ~~Educator~~ educator whose primary assignment is teaching children with disabilities in grades K to 12 in Delaware public schools.

1.1.1.1 The Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be used for grades K to 2 in lieu of Special Education Teacher of Students with Disabilities Standard Certificate.

1.1.1.2 The Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate, Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, and Teacher of Students with Visual Impairments Standard Certificate shall be used when the teacher's primary assignment providing instruction to the category of students designated within those category certifications.

1.1.2 The Special Education Teacher of Students with Disabilities Standard Certificate is a category Standard Certificate and does not certify an ~~Educator~~ educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an ~~Educator~~ educator has met the prescribed education, knowledge, or skill to instruct a particular category of students. The Special Education Teacher of Students with Disabilities Standard Certificate is limited to the category of teaching ~~Students with Disabilities~~ students with disabilities.

1.1.3 An ~~Educator~~ educator shall hold at least 1 content area Standard Certificate.

2.0 Definitions

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

"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 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.

"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.~~

"Regionally accredited" means 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.

"Students with Disabilities disabilities" means the same as ~~"Child with a Disability"~~ "child with a disability" as provided in 14 **Del.C.** §3101(2) §3101.

~~**"Valid and Current License or Certificate"**~~ **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. 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 Special Education Teacher of Students with Disabilities 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 holds a ~~Valid and Current License or Certificate~~ valid and current license or certificate in special education or teaching students with disabilities by another state or jurisdiction.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Special Education Teacher of Students with Disabilities 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~~ 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 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2 through 4.1.3.
- 4.1.1 An applicant shall have satisfied 1 of the following education requirements:
- 4.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards; or
 - 4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a ~~Regionally Accredited~~ regionally accredited college or university with a minimum of 30 semester hours of coursework in special education or teaching students with disabilities from an educator preparation program approved or recognized by the Council for the Accreditation of Educator Preparation (CAEP) or a state where the state approval body employed the appropriate standards; or
 - 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with disabilities as provided in 14 **Del.C.** §§1260 – 1266; or
 - 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in special education; or
 - 4.1.1.5 Earned a bachelor's degree from a ~~Regionally Accredited~~ regionally accredited college or university in any content area and also satisfactorily completed 15 college credits with a focus in special education or in students with disabilities in the areas provided in subsection 4.1.1.5.3 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~~ regionally accredited college or university or a professional development provider approved by the Department in the areas provided in subsection 4.1.1.5.3.
 - 4.1.1.5.1 For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.
 - 4.1.1.5.2 Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:
 - 4.1.1.5.2.1 Relevant courses from a ~~Regionally Accredited~~ regionally accredited college or university in special education are not available to the applicant online or in the applicant's county of residence; and
 - 4.1.1.5.2.2 The activity is grounded in research and current best practices as judged by the Department's content specialist in special education; and
 - 4.1.1.5.2.3 The activity is documented by the provider to provide knowledge and skills that are required for the special education certification; and
 - 4.1.1.5.2.4 The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.
 - 4.1.1.5.3 For the purpose of subsection 4.1.1.5, the areas are the areas specified in subsections 4.1.1.5.3.1 through 4.1.1.5.3.5.
 - 4.1.1.5.3.1 Diagnosis and Instruction for Reading / Literacy (3 credits);
 - 4.1.1.5.3.2 Education Evaluation and IEP Development (3 credits);
 - 4.1.1.5.3.3 Curriculum and Instruction in Special Education (3 credits);
 - 4.1.1.5.3.4 Applied Behavior Analysis (3 credits); and
 - 4.1.1.5.3.5 One of the following areas:
 - 4.1.1.5.3.5.1 Legislation, Policy & Procedures/ Special Issues in Special Education (3 credits);

4.1.1.5.3.5.2 Transitions from Secondary Special Education or Secondary Transition Planning (3 credits);

4.1.1.5.3.5.3 Collaborative Teaming in Special Education (3 credits); or

4.1.1.5.3.5.4 Assistive Technology (3 credits).

4.1.2 An applicant applying after June 30, 2027 shall also have satisfactorily completed 6 college credits in evidence-based reading instruction under 14 Del.C. §1280(c)(3) 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.

4.1.2 4.1.3 The applicant shall have achieved a minimum score on 1 of the following examinations:

4.1.2.1 4.1.3.1A minimum score of 151 on the Praxis Subject Assessment - Special Education: Core Knowledge and Applications (ETS Test Code #5354); or

4.1.2.2 4.1.3.2A minimum score of 145 on the Praxis Special Education: Foundational Knowledge (ETS Test Code # 5355).

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for an Initial License, and the applicant shall also provide all required documentation for the ~~License~~ license.

5.2 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 Special Education Teacher of Students with Disabilities Standard Certificate.

5.3 The following documentation is required with the application for a Special Education Teacher of Students with Disabilities Standard Certificate:

5.3.1 Evidence of obtaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable; and

5.3.2 Official transcript from the applicant's ~~Regionally Accredited~~ regionally accredited college or university.

5.3.2.1 Electronic transcripts may be submitted by the applicant's ~~Employing Authority or Regionally Accredited~~ employing authority or regionally accredited college or university.

5.3.2.2 Sealed paper transcripts may be submitted by the applicant, the applicant's ~~Employing Authority~~ employing authority, or the applicant's ~~Regionally Accredited~~ regionally accredited college or university.

5.3.2.3 The Department will not accept copies of transcripts; and

5.3.3 Documents verifying successful completion of Department-approved professional development, if applicable; and

5.3.4 Official score on the *Praxis* Subject Assessment as provided in subsection 4.1.2 of this regulation.

5.3.5 Additional documentation as required by the Department.

5.4 For applicants who have met the requirements for licensure as an educator in Delaware and hold a ~~Valid and Current License or Certificate~~ valid and current license or certificate in special education or teaching students with disabilities from another state or jurisdiction, the following documentation is required in the application for a Special Education Teacher of Students with Disabilities Standard Certificate:

5.4.1 An official copy of the educator license or certificate from another state or jurisdiction.

5.4.2 Additional documentation as required by the Department.

6.0 Secretary of Education Review

- 6.1 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 Special Education Teacher of Students with Disabilities Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.

6.2 The request shall be approved as provided in subsections 6.2.1 and 6.2.2.

~~6.4.4~~ 6.2.1 For school districts, requests shall be approved by the superintendent of the school district.

~~6.4.2~~ 6.2.2 For charter schools, 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 Validity of a Standard Certificate

- 7.1 A Special Education Teacher of Students with Disabilities Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the ~~Educator's License~~ educator's license remains current and valid.
- 7.2 A Special Education Teacher of Students with Disabilities Standard Certificate is not subject to renewal.

8.0 Disciplinary Action

- 8.1 An ~~Educator's~~ educator's Special Education Teacher of Students with Disabilities 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 An ~~Educator's~~ educator's Special Education Teacher of Students with Disabilities Standard Certificate shall be revoked if the ~~Educator's~~ educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the ~~Educator~~ educator made a materially false or misleading statement in the ~~Educator's~~ educator's application in accordance with 14 **Del.C.** §1222.
- 8.3 An ~~Educator~~ 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 Past Certificate Recognized

The Department shall recognize a Special Education Teacher of Students with Disabilities Standard Certificate that was issued by the Department prior to the effective date of this regulation. An ~~Educator~~ educator holding such a Standard Certificate shall be considered certified to instruct ~~Students with Disabilities~~ students with disabilities.

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and ~~Educators~~ educators are required to update their contact information in DEEDS if their contact information changes.
- 10.2 An ~~Educator~~ educator who legally changes the ~~Educator's~~ educator's name and wishes to change the name on the Special Education Teacher of Students with Disabilities Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or ~~Educator~~ 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.

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** 1573

PUBLIC NOTICE**Educational Impact Analysis Pursuant to 14 Del. C. §122(d)****1573 Teacher of Students with Autism or with Severe Intellectual Disabilities****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** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities. The regulation concerns the requirements for a Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. Amendments to this regulation include adding subsection 4.1.2 which outlines added literacy coursework as required by 14 **Del.C.** §1280 (c)(3). Additional proposed amendments include, in Section 2.0, revising the definition of "Regionally Accredited" based on the changes the U.S. Department of Education made to its recognition of accrediting bodies, amending the definition of the term "Employing Authority" to eliminate a redundant phrase, incorporating other definitions into the body of the regulation, and amending subsection 3.2 to eliminate a redundant phrase. A requirement for criminal history disclosure upon application is included in subsection 5.2, and the Secretary of Education review provision is moved from Section 8.0 to Section 6.0 The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 March 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? 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 Teacher of Students with Autism or with Severe Intellectual Disabilities 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 the 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/march2025/proposed/28 DE Reg 650RFA 03-01-25.pdf>

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 650 03-01-25.htm>

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

Juvenile Justice Initiative

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 Supplement 5 to Attachment 3.1-A page 7, Supplement 5 to Attachment 3.1-A page 8, Supplement 5 to Attachment 3.1-A page 9, Supplement 5 to Attachment 3.1-A page 10, Supplement 5 to Attachment 3.1-A page 11, Supplement 5 to Attachment 3.1-A page 12, Supplement 5 to Attachment 3.1-A page 13, Attachment 3.1-M page 1, Attachment 3.1-M page 2, and Attachment 4.19-B page 30, specifically, to expand services provided for incarcerated individuals.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2025. Please identify in the subject line: Juvenile Justice Initiative.

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 Juvenile Justice Initiative.

Statutory Authority

- The Consolidated Appropriations Act (CAA) of 2023
- Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (The SUPPORT Act)
- 1902(a)(84)(D) of the Social Security Act

Background

The CAA requires states to provide services to eligible juveniles incarcerated in public institutions. States must provide certain services, such as Early and periodic Screening, Diagnostic, and Treatment Services (EPSDT) and Targeted Case Management (TCM) for eligible juveniles who are within 30 days of release post adjudication.

Summary of Proposal

Purpose

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

Summary of Proposed Changes

Effective January 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to expand services provided for incarcerated individuals.

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 March 31, 2025.

Centers for Medicare and Medicaid Services Review and Approval

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

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and 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 2025	Federal Fiscal Year 2026
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General (State) funds	\$0	\$151,184
Federal funds	\$0	\$221,282

***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/march2025/proposed/28 DE Reg 651RFA 03-01-25.pdf>

Attachment 4.19-B

Page 30

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES

Targeted Case Management for Eligible Juveniles under the Consolidated Appropriations Act (CAA) (2023) Requirements

Reimbursements for services are based upon a Medicaid fee schedule established by the Delaware Medical Assistance Program (DMAP).

The fee development methodology-built fees considering each component of provider costs are outlined below. These reimbursement methodologies produced rates sufficient to enlist enough providers so that services under the State Plan are available to beneficiaries at least to the extent that these services are available to the general population, as required by 42 CFR 447.204. These rates comply with the requirements of Section 1902(a)(3) of the Social Security Act and 42 CFR 447.200, regarding payments and are consistent with economy, efficiency, and quality of care. Provider enrollment and retention will be reviewed periodically to ensure that access to care and adequacy of payments are maintained. The Medicaid fee schedule is equal to or less than the maximum allowable under the same Medicare rate, where there is a comparable Medicare rate. Room and board costs are not included in the Medicaid fee schedule.

The fee development methodology will primarily be composed of provider cost modeling, through Delaware provider compensation studies, cost data, and fees from similar State Medicaid programs may be considered, as well. The following list outlines the major components of the cost model to be used in fee development:

- Staffing Assumptions and Staff Wages;
- Employee-Related Expenses - Benefits, Employer Taxes (e.g., Federal Insurance Contributions Act (FICA), unemployment, and workers compensation);
- Program-Related Expenses (e.g., supplies);
- Practice model standards (compensation, supervision, materials and supplies, travel, training, administration, and utilization);
- Provider Overhead Expenses; and
- Program Billable Units.

The fee schedule rates will be developed as the ratio of total annual modeled provider costs to the estimated annual billable units. A unit of service is defined according to Healthcare Common Procedure Coding System (HCPCS) approved code set unless otherwise specified.

Except as otherwise noted in the State Plan, the State-developed fee schedule is the same for both governmental and private individual providers and the fee schedule and any annual/periodic adjustments to the fee schedule are published in the Delaware Register of Regulations. The Agency's fee schedule rate was set as of November 1, 2025, and is effective for services provided on or after that date. All rates are published on the Delaware Medical Assistance Program (DMAP) website at <https://medicaidpublications.dhss.delaware.gov/docs/search?EntryId=1080>.

TN: 25-0001

Approval Date: _____

Supercedes TN: NEWEffective: 1/1/25

***Please Note:** Due to formatting of certain amendments to the regulation, they are not being published here. Copies of the documents are available at:

<https://regulations.delaware.gov/register/march2025/proposed/Supplement 5 to Attachment 3.1-A page 7-13 Amended.pdf>

<https://regulations.delaware.gov/register/march2025/proposed/Attachment 3.1-M pages 1-2 Amended.pdf>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3) (16 **Del.C.** §122(3))
16 **DE Admin. Code** 4104

PUBLIC NOTICE**4104 Delaware Conrad State 30/J-1 Visa Waiver Program**

Pursuant to 16 **Del.C.** §122(3), 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 Regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program and intends to hold them open for public comment per Delaware law. The revisions include the addition of a definitions section, updated forms, and technical changes that will bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

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

Public comments will be accepted until 4:30 p.m. on April 1, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

***Please Note:**

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 654RFA 03-01-25.pdf>

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

<https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 654 03-01-25.htm>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122 (16 **Del.C.** §122)
16 **DE Admin. Code** 4461

PUBLIC NOTICE

4461 State of Delaware Milk Code

Pursuant to 16 **Del.C.** §122, the Health Systems Protection section within the Division of Public Health, Department of Health and Social Services, is proposing revisions to the State of Delaware Milk Code, as described in subsection 2.1 of this regulation. A summary of the major changes can be found below:

Item 12r	Positive ventilation during cleanings in automatic milking installation (AMI) milking unit rooms may not be required in installations where AMI milking rooms are separated from the housing unit.
Section 3	The following clarification language was added. Food manufacturing facilities that are only receiving Grade "A" milk products for use as an ingredient in another food that is not a Grade "A" milk product defined in the Ordinance are exempt from the permit requirements of Section 3.
FDA Forms	The following Food and Drug Administration (FDA) forms used during ratings have been updated: <ul style="list-style-type: none">• Form 2359 - Milk Plant Inspection Report• Form 2359d - Report of Certification• Form 2359i - Interstate Milk Shippers (IMS) Report• Form 2359j - Milk Sanitation Rating Report• Form 2359L - Status of Milk Plants• Form 2359p - National Conference on Interstate Milk Shipments (NCIMS) Aseptic Processing and Packaging Program and Retort Processed After Packaging Program Critical Listing Elements
Section 5	Industry plant samplers have been added to the list of approved certified industry inspections that can be conducted cooperatively.
Appendix N	A definition section and flowcharts have been added to Appendix N of the code to standardize the understanding of the testing requirements of raw milk.
MMSR	Milk plants not in compliance with Appendix T during re-inspections will not be removed from the IMS list. Instead, corrections to be implemented by the facility will be jointly developed with the FDA and the State regulatory authority.

Delaware is proposing amendments to the 2015 Delaware milk code by incorporating, by reference, all model documents from the 2023 NCIMS. This includes the FDA Grade "A" Pasteurized Milk Ordinance, 2023 revision; Procedures Governing the Cooperative State-Public Health Service/FDA Program of the NCIMS, 2023 revision; Evaluation of Milk Laboratories, 2023 revision and Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers,

2023 revision.

Copies of the proposed regulations are available for review in the March 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4700.

Public comments will be accepted until 4:30 PM on April 2, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

***Please Note: 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/march2025/proposed/28 DE Reg 655RFA 03-01-25.pdf>

4461 State of Delaware Milk Code

1.0 State of Delaware ~~Food~~ Milk Code

- 1.1 ~~These Regulations~~ This regulation shall hereby be known as the "State of Delaware Milk Code".
- 1.2 The ~~Regulatory Agency~~ regulatory agency may grant a variance by modifying or waiving the requirements of ~~these Regulations~~ this regulation if in the opinion of the ~~Regulatory Agency~~ regulatory agency a health hazard or nuisance will not result from the variance or waiver.
- 1.3 A copy of the complete State of Delaware Milk Code is available for public view at the following location: Office of Food Protection, ~~417 Federal Street, Dover, Delaware 19903~~ 43 S. DuPont Hwy., Suite C, Dover, DE 19901. A copy is also available online at:
<http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM209789.pdf>
<https://www.fda.gov/media/180975/download?attachment>

2.0 Adoption of the United States Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance ~~2015~~ 2023 Revision.

- 2.1 The State of Delaware Milk Code adopts, as if fully set forth herein, the United States Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance ~~2015~~ 2023 Revision as amended herein. ~~The production, transportation, processing, handling, sampling, examination, labeling and sale of all Grade "A" milk and milk products sold for the ultimate consumption within the State of Delaware; the inspection of dairy farms, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, milk tank trucks and bulk milk hauler/samplers; and the issuing and revocation of permits to milk producers, bulk milk hauler/samplers, milk tank trucks, milk transportation companies, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, haulers, and distributors shall be regulated in accordance with the provisions of the current edition of the Grade "A" PMO. in Section 2.0 of this regulation. This regulation shall apply to dairy plants, dairy farms, processing plants, receiving stations and other facilities or establishments handling, transporting, or selling any Grade "A" milk or milk products for human consumption.~~
- 2.2 Insert as footnote 2 the phrase "State of Delaware".
- 2.3 Amend Section 16 by deleting the section in its entirety and substituting in lieu thereof the following: "Any person who shall violate any of the provisions of ~~these Regulations~~ this regulation shall be penalized in accordance with ~~these Regulations~~ this regulation and Title 16 of the Delaware Code."
- 2.4 Amend Section 17 by deleting the section in its entirety and substituting in lieu thereof the following, "All current or previous regulations or parts of ~~Regulations~~ regulations in conflict with ~~these~~

~~Regulations this regulation, as proposed in the Delaware Register of Regulations on March 1, 2025,~~
are hereby repealed and ~~these Regulations this regulation~~ shall be in effect ~~on July 1, 2017 ten days~~
~~after publication of the final regulation in the Delaware Register of Regulations, whichever is later."~~

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 2002 (7 Del.C. §2002)
7 DE Admin. Code 3801

REGISTER NOTICE

SAN # 2024-14

DOCKET # 2024-R-F-0018

3801 Shellfish Aquaculture

1. TITLE OF THE REGULATIONS:

7 DE Admin. Code 3801 Shellfish Aquaculture.

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

This action proposes to amend the Shellfish Aquaculture regulation by incorporating the three specific recommendations of the Shellfish Aquaculture Task Force (Task Force). The Task Force, created during the 2024 General Assembly session by Senate Concurrent Resolution 103, was charged with examining all aspects of shellfish aquaculture in the Inland Bays and making recommendations to increase shellfish aquaculture participation and production. Specifically, the proposed amendments will reduce the annual planting requirement from 100,000 to 50,000 shellfish per leased acre while reducing the time period before a new lessee must meet the minimum planting requirement from 60 to 36 months and the time before a new lessee must harvest 2,000 oysters or 5,000 clams per leased acre from 72 to 48 months; remove the individual gear marking requirement for gear that is attached to a line suspended between poles no more than 10 feet apart; and remove import permitting requirements from in-state hatcheries that meet shellfish disease control qualifications.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del.C. § 2002

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

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

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed changes to **3801 Shellfish Aquaculture** opens March 1, 2025 (Hearing Docket No. 2024-R-F-0018). The virtual public hearing will be held on Tuesday, March 25, 2025, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>. If prompted, use Meeting ID: 832 8651 9336 Passcode: 428469 To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Closed captioning is available in over 20 languages, including English and Spanish, to attendees via the Zoom platform utilized for all DNREC Public Hearings.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>

The proposed amendments may be inspected online starting March 1, 2025 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at John.Clark@delaware.gov.

Public comments will be received until close of business Wednesday, April 9, 2025. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:

John H. Clark
Email: John.Clark@delaware.gov
Phone: (302)739-9914

***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/march2025/proposed/28 DE Reg 657RFA 03-01-25.pdf>

3801 Shellfish Aquaculture
(Break in Continuity of Sections)

2.0 Definitions

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

"Aquaculture activities" means those activities which include the purchase, monitoring, planting, sale, possession, harvest, production, breeding, transportation, and processing of shellfish.

"Culture" means to cultivate bivalve shellfish at any life stage.

"Department" means the Delaware Department of Natural Resources and Environmental Control.

"Farm gate" means the dollar value paid for a cultivated product upon harvest.

(Break in Continuity Within Section)

"Shellfish aquaculture gear" or **"gear"** means any cage, rack, tray, or other similar device for holding and protecting shellfish, including any bags, containers, nets, or floating container.

"Shellfish gardening" means the grow-out or holding of shellfish in protective structures such as floats, bags, cages, or nets exclusively for private, noncommercial uses.

"Shellfish hatchery" means a facility actively used for the breeding, hatching, setting, or rearing of shellfish from the early life stages to a size sufficient for sale or distribution.

"Shellfish Nursery Structures" means any structure or container, such as an upweller, downweller or raceway in Delaware's Inland Bays used to culture 1,000 or more bivalve shellfish at 1 physical address, and not located in a lawful Shellfish Aquaculture Subaqueous Land Lease.

"Submerged aquatic vegetation" or **"SAV"** means any rooted, vascular submerged plants.

"Wild stock" means larvae, spat, or seed shellfish produced naturally in Inland Bay waters, not propagated by or purchased from a hatchery or nursery.

(Break in Continuity of Sections)

11.0 Shellfish Aquaculture Gear

11.1 The lessee shall bear the burden and responsibility for properly marking, rigging, and maintaining all shellfish aquaculture gear.

11.2 It is unlawful for the lessee to not conspicuously, legibly and permanently mark the lease number or an abbreviated lease identifier approved by the Division of Fish and Wildlife on all equipment, gear, or manmade materials placed on an aquaculture lease site.

- 11.3 It is unlawful to use any equipment or gear that is known to leach toxic materials or violate any water quality standards on a Shellfish Aquaculture Subaqueous Land Lease.
- 11.4 It is unlawful to place oysters on a lease for grow-out in any container that is not designed to maintain the oysters at least 4 inches from the bottom.
- 11.5 It is unlawful for the lessee to not mark each shellfish aquaculture container in accordance with subsection 11.2, with an all-white buoy measuring at least 3 inches in diameter and visible at the water's surface.
- 11.6 Notwithstanding subsection 11.5, shellfish aquaculture containers stacked vertically in the water column shall be marked with a single all-white buoy measuring at least 3 inches in diameter and visible at the water's surface, per vertical stack.
- 11.7 Notwithstanding subsection 11.5, shellfish aquaculture gear that is attached to a line suspended between poles shall not require buoys if the poles suspending the gear are spaced no more than 10 feet apart and each pole extends no less than 2 feet above the water surface at mean high water.
- ~~44.7~~ 11.8 It is unlawful for buoys marking shellfish aquaculture containers to not have the leaseholder's lease number or an abbreviated lease identifier approved by the Division of Fish and Wildlife either on the buoy, or on a waterproof tag attached to the buoy.
- ~~44.8~~ 11.9 It is unlawful for an individual gear or shellfish aquaculture container to exceed 70 cubic feet in volume.
- ~~44.9~~ 11.10 It is unlawful to store equipment, materials, or any shellfish gear that do not contain live shellfish within the boundaries of a Shellfish Aquaculture Subaqueous Land Lease site; except that fixed poles, cabling and other support structures identified as "semi-permanent" in a current and approved Operations Plan may remain in place for a period not to exceed 6 months without a container of live shellfish attached for grow-out. Such "semi-permanent" structures must be removed by the lessee if more than 6 months elapse without these structures being used to secure containers of live shellfish, or if the leased acres are surrendered or terminated.
- ~~44.10~~ 11.11 It is unlawful to clean, maintain or repair, except by hand tools operated without electric or hydraulic power, any submerged portion of shellfish aquaculture gear.
- ~~44.11~~ 11.12 It is unlawful to rinse or clean any shellfish aquaculture gear while on the water, except within the boundaries of one's own lease site.
- ~~44.12~~ 11.13 The leaseholder is responsible for all equipment, gear, cultured shellfish, or materials placed on the lease site for aquaculture purposes, and remains responsible for gear that has been found adrift or unattended outside the boundaries of the lease.
(Penalty Section 7 **Del.C.** §2012)

12.0 Importation of Shellfish and Distribution of Shellfish Produced in Delaware for Shellfish Aquaculture

- 12.1 It is unlawful to collect wild stock shellfish for the purposes of shellfish aquaculture from Delaware waters, except as authorized in writing by the Department.
- 12.2 It is unlawful to possess, place, or cause to be placed, undersized wild stock shellfish except as authorized in writing by the Department.
- 12.3 It is unlawful for a person to import or possess shellfish from outside of the State, ~~or to plant shellfish procured from other than a lease or Shellfish Nursery, permitted as per 7 DE Admin. Code 3801, Sections 3.0 and 9.0,~~ for the purpose of shellfish aquaculture, without first obtaining a permit from the Department.
- 12.4 It is unlawful for hatcheries located in Delaware to distribute shellfish seed that exceeds the shellfish disease or parasite limits established by the Department, Division of Fish & Wildlife.
(Penalty Section 7 **Del.C.** §2012)

(Break in Continuity of Sections)

16.0 Active Use of Shellfish Aquaculture Subaqueous Land Lease Sites

- 16.1 The Department shall conduct an annual review of each shellfish aquaculture lease in order to determine active use of the lease in the previous year, except for scientific leases, as in 7 **Del.C.** §2005(b).

- 16.2 In the event that an aquaculture lease is determined by the Department not to be active for a period of 1 year (12 months), the lease shall be terminated and the lease site may revert to the inventory of available lease sites, except for scientific leases, as in 7 **Del.C.** §2005(b).
- 16.3 An active lease in Delaware's Inland Bays, except for scientific leases, as in 7 **Del.C.** §2005(b), must meet the following conditions:
- 16.3.1 By December 31st of the calendar year in which the lease reaches ~~60~~ 36 months from the date of lease issuance or transfer, leaseholders must provide evidence to the Department's satisfaction that they annually plant at least ~~400,000~~ 50,000 shellfish per acre leased.
- 16.3.2 By December 31st of the calendar year in which the lease reaches ~~72~~ 48 months from lease issuance or transfer, leaseholders shall annually harvest and produce proof of sale for an average of at least 2,000 oysters per acre or 5,000 clams per acre, or an equivalent combination.
- 16.3.3 Shellfish transplanted between leases in the Inland Bays shall be credited as a planting or harvest effort on a single lease. The planting shall be credited to the first lessee planting the seed on an Inland Bays lease, and the harvest shall be credited to the lessee harvesting and selling the shellfish outside of the Inland Bays.
- 16.4 The Department may, at its discretion, grant written exemptions from the minimum planting or harvest requirement based on acreage, seed availability, market volatility, natural disasters, or any other event the Department deems qualifying.

***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/march2025/proposed/28 DE Reg 657 03-01-25.htm>

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Funeral Services

Statutory Authority: 24 Delaware Code, Section 3105(a)(1) (24 **Del.C.** §3105(a)(1))
24 **DE Admin. Code** 3100

PUBLIC NOTICE

3100 Board of Funeral Services

Pursuant to 24 **Del.C.** §3105(a)(1), the Delaware Board of Funeral Services ("Board") has proposed revisions to its Rules and Regulations. This proposed amendment is required by 84 **Del. Laws**, c. 261 §§15-16 (requiring the Board to promulgate regulation concerning the practice of human natural organic reduction). See *also*, 24 **Del.C.** §3105(a)(17).

The Delaware General Assembly passed, and on May 16, 2024 Governor John Carney signed, 84 **Del. Laws**, c. 261 (formerly House substitute no. 1 for House bill no. 162 as amended by House amendment no. 5). That action requires the Board to promulgate regulations, within 1 year of May 16, 2024. This law requires the Board to define those practices that are necessary to establish the practice of the natural organic reduction of human remains and the operation of facilities offering the service of the natural organic reduction of human remains and to coordinate with other relevant State agencies and instrumentalities to reach a conclusion. Amendments proposed to Sections 4.0, 13.0, and 14.0 respond to the requirement established by law to do so.

Other amendments, in Sections 13.0 and 14.0, are intended to clarify and improve the Board's inspection program of funeral establishments. That program was created pursuant to 24 **Del.C.** §3105(a)(15).

Further amendments in Section 4.0 define and clarify the Board's requirements for funeral establishments and branch funeral establishments, each of which are permitted pursuant to 24 **Del.C.** §3117. These proposed

amendments include requirements for obtaining permits for funeral establishments and branch funeral establishments. The proposed amendments also provide the way permitted establishments shall be required to identify their facilities to the Board. The proposed amendments also set forth the required disclosures to be made to the Board concerning the facilities available at permitted establishments and branch establishments as well as the requirements for decommissioning previously available facilities.

Amendments to Section 7.0 propose to delete outdated provisions that are no longer relevant to the Board or its licensees and permit holders.

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

The Board will hold a public hearing on the proposed regulation changes on March 25, 2025, at 10:00 a.m. in the second-floor conference room B 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 Funeral Services, 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 Pamela.Zickafoose@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be April 9, 2025. The Board will deliberate on all public comments at its next scheduled meeting on April 10, 2025.

***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/march2025/proposed/28 DE Reg 660RFA 03-01-25.pdf](https://regulations.delaware.gov/register/march2025/proposed/28%20DE%20Reg%20660RFA%2003-01-25.pdf)

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

[https://regulations.delaware.gov/register/march2025/proposed/28 DE Reg 660 03-01-25.htm](https://regulations.delaware.gov/register/march2025/proposed/28%20DE%20Reg%20660%2003-01-25.htm)

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
Statutory Authority: 4 Delaware Code, Section 304 (4 **Del.C.** §304)
4 **DE Admin. Code** 203

PUBLIC NOTICE

Rule 203 (Formerly Rule 36) Delivery, Sale and Consumption of Alcoholic Liquors for On-Premises Consumption

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to edit the existing regulation at 4 **DE Admin. Code** 203 to allow on-premises licensees to sell, serve or deliver and patrons to consume alcoholic liquors 1 hour earlier, at 8 a.m., from the former time of 9 a.m., to comply with amendments to 4 **Del.C.** §709.

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

Doug Denison
Deputy Commissioner
Office of the Delaware Alcoholic Beverage Control Commissioner
820 N. French St., 10th Floor

Wilmington, DE 19801

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4 p.m. EST, April 1, 2025.

The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.

Background

The Delaware Alcoholic Beverage Control Commissioner ("Commissioner" or "Office") is authorized by the General Assembly of the State of Delaware, to establish, by rules and regulations, an effective control of the business of manufacture, sale, dispensation, distribution and importation of alcoholic liquors within and into the State of Delaware, including the time, place and manner in which alcoholic liquors shall be sold and dispensed, not inconsistent with Chapters 1-12 of Title 4 of the Delaware Code, known as the Delaware Liquor Control Act ("DLCA") or with any other law of the State. The Commissioner is further authorized to adopt and promulgate rules and regulations not inconsistent with Chapters 1-12 of Title 4 of the Delaware Code or of any other law of the State, and such rules and regulations shall have the force and effect of law; provided, however that no such rule or regulation shall extend, modify or conflict with any law of this State or the reasonable implications thereof; and provided further, however, that such rules and regulations, as established by the Commissioner, shall focus primarily on public safety and the best interests of the consumer and shall not unduly restrict competition within the alcoholic beverage industry.

The General Assembly passed House Bill 235 ("HB 235"), which amended 4 **Del.C.** §709 to change from 9:00 a.m. to 8:00 a.m. the time at which an on-premise licensee can sell, serve and deliver alcoholic beverages to customers for consumption on the premises. The Governor signed HB 235 effective January 11, 2024.

An Emergency Order was published in the *Delaware Register of Regulations* for February 1, 2024 for changing the hours from 9 a.m. to 8 a.m. The Commissioner invited the public to submit petitions for recommendations or revisions to the Order by sending the petitions to the Commissioner's business office at 820 N. French St., 10th Floor, Wilmington, DE 19801. No petitions were received by the Commissioner's office.

Summary of Proposal

4 **DE Admin. Code** 203 is an existing regulation that is being changed to comply with 4 **Del.C.** §709 which allows Delaware on-premises licensees to sell, serve, or deliver or a patron can consume alcoholic beverages on the licensee's premises, from 9 a.m. to 8 a.m. Other proposed amendments reflect technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

Statutory Authority 4 **Del.C.** §304

4 **Del.C.** §304 enables the Delaware Alcoholic Beverage Control Commissioner to adopt and promulgate rules and regulations not inconsistent with Title 4 of the Delaware Code and all such rules and regulations shall have the force and effect of law; provided, that no such rule or regulation shall extend, modify or conflict with any law of the State of Delaware or the reasonable implications thereof.

***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/march2025/proposed/28 DE Reg 661RFA 03-01-25.pdf>

Rule 203 (Formerly Rule 36) Delivery, Sale and Consumption of Alcoholic Liquors for On-Premises Consumption

1.0 Purpose and Scope

This rule ~~rule~~ regulation defines the ~~term~~ terms "Consumption", "Delivery", "Sale", and "Service" and "Consumption" of alcoholic liquors and prescribes the hours of the day when alcoholic liquors may be delivered, sold and consumed, under the provisions of 4 Del.C. §709.

2.0 Definitions

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

"**Consumption**" of alcoholic liquors means the act of drinking or eating alcoholic ~~beverages~~, beverages and includes possession of an alcoholic beverage with the present ability to drink or eat it.

"**Delivery**" of alcoholic liquors means the transfer of possession or custody of alcoholic liquors from 1 person to another.

"**Sale**" of alcoholic liquors means solicit or receive an order ~~for~~; for, keep or expose for sale, deliver for value or in any other way than purely gratuitously.

"**Service**" of alcoholic liquors means the delivery of alcoholic beverages.

"**Time of Day** ~~day~~" means prevailing local time in the State of Delaware as fixed by Executive Order or pursuant to ~~the~~ The Uniform Time Act of ~~1966~~, 1966 (15 U.S.C. §260, et ~~seq.~~ seq.).

3.0 Prohibited Acts

No person licensed by the Commissioner shall sell, serve or deliver alcoholic liquors on, in or from an establishment licensed for ~~On-premises~~ on-premises consumption between the hours of ~~1:00 A.M. and 9:00 A.M.~~ 1 a.m. and 8 a.m. No alcoholic liquors shall be consumed on licensed premises between the hours of ~~2:00 A.M. and 9:00 A.M.~~ 2 a.m. and 8 a.m.

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303(b)(1) (14 **Del.C.** §303(b)(1))
14 **DE Admin. Code** 1021

ORDER

1021 DIAA Committees

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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. 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 October 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 January 16, 2025, 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 1021 DIAA Committees**.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, DIAA concludes that it is appropriate to adopt **14 DE Admin. Code 1021 DIAA Committees**. Therefore, pursuant to **14 Del.C. § 303(b)(1)**, **14 DE Admin. Code 1021 DIAA Committees**, attached hereto as Exhibit A, is hereby adopted.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 1021 DIAA Committees** adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. Code 1021 DIAA Committees** 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 16th day of January 2025.

Delaware Interscholastic Athletic Association (DIAA) Board of Directors

/s/ Father Christian Beretta, Chairperson	/s/ Dorrell Green, Vice Chairperson
/s/ Amber Hickman-Taylor	/s/ Bradley Bley, D.O., FAAP, RMSK, CSCS
/s/ Trisha Stiles	/s/ Chad Jones
/s/ Freeman Williams, III	/s/ Kristin Degregory
/s/ Jason Bastianelli	/s/ Kathleen Kenney

***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 October 2024 issue of the *Register* at page 257 (28 DE Reg. 257). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2025/final/28 DE Reg 664 03-01-25.htm>

DEPARTMENT OF FINANCE

OFFICE OF THE STATE LOTTERY

Statutory Authority: 29 Delaware Code, Section 4805 (29 **Del.C. §4805**)
10 DE Admin. Code 203

ORDER

203 Video Lottery and Table Game Regulations

The Director of the Office of the State Lottery ("Director") issues this Order to take effect ten (10) days after it has been published in the Delaware *Register of Regulations*:

1. Pursuant to the Director's statutory authority, the Director proposed for adoption revisions to the Office of the State Lottery's existing video lottery and table games regulations (10 DE Admin. Code 203) to revise the in-person enrollment/removal requirements of players wishing to self-exclude from gaming. Other regulations issued by the Director are not affected by this Order.

2. The statutory authority for these revisions is **29 Del.C. § 4805**.

3. A copy of the proposed regulations was published in the December 1, 2024, edition of the Delaware *Register of Regulations* and has been available for inspection in the Office of the State Lottery, 1575 McKee Road,

Suite 102, Dover, Delaware 19904 during regular office hours.

4. The Director did not receive any written comments on the proposed regulations during the thirty-day period following publication of the proposed regulations on December 1, 2024.

5. The Director finds that the proposed changes as set forth in the December 2024 *Register of Regulations* should be adopted with the non-substantive revisions bolded below.

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

DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, under the statutory authority and for the reasons set forth above, the Director of the Office of the State Lottery does hereby ORDER that the regulations be, and that they hereby are, enacted as set forth below. 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(g).

Helene M. Keeley, Director
Office of the State Lottery

Jan. 24, 2025
Date

203 Video Lottery and Table Game Regulations (Break in Continuity of Sections)

7.0 Game Requirements, Voluntary and Involuntary Exclusion

(Break in Continuity Within Section)

7.15 Self-Excluded Players

7.15.1 Request for Self-Exclusion; Form

(Break in Continuity Within Section)

7.15.1.2 Any person requesting placement on the self-exclusion list shall submit ~~in-person~~ a completed self-exclusion form to the Delaware State Lottery as required in this regulation. ~~The form must be delivered to the Delaware State Lottery Office, 1575 McKee Road, Dover, DE.~~ Any person submitting a self-exclusion form shall be required to ~~present~~ provide valid **[government issued]** photo identification ~~credentials containing his or her signature, a photograph of the person, and a general physical description of the person.~~ ~~**[Any person requesting self-exclusion pursuant to]** these Regulations **[this regulation shall be required to]** have his or her photograph taken by **[provide a photograph of that person to the lottery office]**~~ **The Delaware State Lottery requires a photograph from each person who requests self-exclusion pursuant to this regulation and** upon submission of the [self-exclusion] form.

(Break in Continuity Within Section)

7.15.6 Removal from Self-Exclusion List

7.15.6.1 Except for those persons choosing a lifetime self-exclusion, any self-excluded person may, upon the expiration of the period of self-exclusion requested pursuant to subsection ~~7.16~~ 7.15.2, request removal of his or her name from the self-exclusion list by submitting, ~~in-person,~~ a completed request for removal as required in subsection 7.15.6.2 ~~below of this regulation.~~ The request shall be ~~delivered~~ submitted to the Delaware State Lottery Office, 1575 McKee Road, Dover, DE. Any person submitting a request for removal from the list shall be required to present valid **[government issued photo]** identification ~~credentials containing his or her signature and a photograph and general physical description.~~

***Please note that no additional changes were made to the regulation as originally proposed and published in the December 2024 issue of the *Register* at page 423 (28 DE Reg. 423). 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/march2025/final/28 DE Reg 665 03-01-25.htm>

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 December 1, 2024 (28 **DE Reg.** 429), 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 January 2, 2025, 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 (December 1, 2024, through January 2, 2025).

The Division received two public comments in opposition to the proposed regulation, one from the Delaware Radiological Society and one from Josh Wyatt, Director of Diagnostic Imaging at Beebe Healthcare. Both comment letters reflect a misunderstanding regarding the proposed regulation, specifically that the amendments would allow Advanced Practice Registered Nurses (APRNs), for the first time, to engage in diagnostic x-ray procedures. In fact, APRNs have been authorized under Regulation 4465 to perform and interpret x-ray imaging since 2019. The amendments now being adopted are intended to retract certain amendments to Regulations 4465 and 4466, adopted in October 2024, that inadvertently stripped these pre-existing authorities from APRNs. These changes were not intended by the Division, and the Regulation now being adopted simply reverses this inadvertent change. Moreover, a failure to restore these authorities in the Regulation would run contrary to 24 **Del.C.** §1935, which allows the Board of Nursing to license APRNs with full-practice authority which, pursuant to 24 **Del.C.** §1902, includes the authority to order and interpret diagnostic tests.

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:

No changes were made to the regulations since publication as proposed. 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 March 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

2/11/2025 | 4:18 PM EST

Date

Josette D. Manning, Esq.

Cabinet Secretary

Delaware Department of Health and Social Services

***Please note that no changes were made to the regulation as originally proposed and published in the December 2024 issue of the *Register* at page 429 (28 DE Reg. 429). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2025/final/28 DE Reg 667 03-01-25.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 December 1, 2024 (28 **DE Reg.** 430), 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 January 2, 2025, 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 (December 1, 2024, through January 2, 2025).

The Division received two public comments in opposition to the proposed regulation, one from the Delaware Radiological Society and one from Josh Wyatt, Director of Diagnostic Imaging at Beebe Healthcare. Both comment letters reflect a misunderstanding regarding the proposed regulation, specifically that the amendments would allow Advanced Practice Registered Nurses (APRNs), for the first time, to engage in diagnostic x-ray procedures. In fact, APRNs have been authorized under Regulation 4465 to perform and interpret x-ray imaging since 2019. The amendments now being adopted are intended to retract certain amendments to Regulations 4465 and 4466, adopted in October 2024, that inadvertently stripped these pre-existing authorities from APRNs. These changes were not intended by the Division, and the Regulation now being adopted simply reverses this inadvertent change. Moreover, a failure to restore these authorities in the Regulation would run contrary to 24 **Del.C.** §1935, which allows the Board of Nursing to license APRNs with full-practice authority which, pursuant to 24 **Del.C.** §1902, includes the authority to order and interpret diagnostic tests.

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:

No changes were made to the regulations since publication as proposed. 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 March 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

2/18/2025 | 12:19 PM EST
Date

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

***Please note that no changes were made to the regulation as originally proposed and published in the December 2024 issue of the *Register* at page 430 (28 DE Reg. 430). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2025/final/28 DE Reg 668 03-01-25.htm>

DIVISION OF SOCIAL SERVICES

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

ORDER

Adjusting Food Benefit EBT Accounts

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Adjusting Food Benefit EBT Accounts, specifically, to amend the Division of Social Services Manual (DSSM) regarding Adjusting Food Benefit EBT Accounts. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C.** §10114 and its authority as prescribed by 31 **Del.C.** §512.

The Department published its notice of proposed regulation changes pursuant to 29 **Del. C.** §10115 in the December 2024 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by December 31, 2024, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after March 11, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM), Policy 9093.3 Adjusting Food Benefit EBT Accounts.

Statutory Authority

7 CFR 274.4(g)

Background

The Division of Social Services (DSS) is amending DSSM 9093.3 to include requirements for notifying households when adjustments are made to their Electronic Benefit Transfer (EBT) accounts for the Supplemental Nutrition Assistance Program (SNAP). DSS must notify households if a credit adjustment request to return food benefits is denied or a debit adjustment request to withdraw food benefits is approved. DSSM 9093.3 is also being amended to align with current federal regulations, clarify the text, and update the formatting.

Purpose

The purpose of this proposed regulation is to amend Policy 9093.3 Adjusting Food Benefit EBT Accounts.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/ DSS gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on December 31, 2024.

Fiscal Impact Statement

There is no fiscal impact due to this policy is already in place.

Summary of Comments Received with Agency Response and Explanation of Changes

There were no public comments received.

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

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

FINDINGS OF FACT:

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

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 9093.3 regarding Adjusting Food Benefit EBT Accounts, specifically, to clarify internal policy and procedures, is adopted and shall be final effective March 11, 2025.

2/13/2025 | 11:23 PM EST

Date of Signature

Josette D. Manning, Esquire
Cabinet Secretary, DHSS

9000 Food Stamp Program**9093.3 Adjusting Food Benefit EBT [Adjustments] Accounts**

Statutory Authority

7 CFR ~~274.2~~ 274.2(g)

Food Benefit Electronic Benefit Transfer (EBT) accounts may be adjusted due to errors during benefit posting or redemption. The Division of Social Services (DSS) and the EBT contractor will only make authorized adjustments [to food benefits] in accordance with this policy.

[DSS and Delaware's EBT contractor shall use the same EBT benefit type that corresponds with the error to adjust a household's food benefits. A different EBT benefit type from the error shall not be used to credit or debit the EBT account.]

1. DSS may adjust benefits posted to [household households'] EBT accounts before the benefit availability date to correct errors that occurred during the posting process.

2. The Delaware's EBT contractor makes adjustments to may adjust EBT accounts to correct system errors. A system error is an error resulting from a malfunction at any point in errors that occurred during the redemption process, for example, errors made at the grocery store. Adjustments are initiated may be requested by the client or store retailer and may result in a debit or credit to the household credit or debit to the household's EBT account.

~~DHSS will emphasize to clients that they should review their transaction slips before leaving the store. If there is a mistake, the client should discuss the problem with the store clerk or manager before leaving the store. Problems discovered later must be resolved through the EBT contractor Customer Service Unit.~~

A. Client-Initiated Credit Adjustments

- i. An EBT A credit adjustment occurs when the EBT contractor returns benefits to a household's EBT account after the store deducted the benefits in error a transaction error is reported by the client or another party. For example, a household member uses an EBT card to purchase groceries. Due to a system error, the store credit adjustment may be issued to a household when a retailer debited the purchase amount same transaction twice from the household's EBT account twice.
- ii. The household has Households have 90 days from the date of the problem transaction error to contact the EBT contractor Customer Service at 1-800-526-9099 and inform the customer service representative that a problem has occurred. The household will need to tell the customer service representative the date, time and location of the transaction and the amount of food benefits that were debited in error to report the error and request a credit adjustment. If the error is reported after 90 days, no action is taken by the EBT contractor or DSS.
- iii. If the request is a legitimate request, the The EBT contractor will return the funds to the household's EBT account within has 10 business days from the date the household filed the report with the reported the transaction error to EBT contractor Customer Service Unit. A business day is any calendar day other than a Saturday, a Sunday or a federal holiday. to:
 - a. Investigate and verify the transaction error;
 - b. Make a determination on the adjustment request; and
 - c. Credit the household's EBT account if the adjustment request is approved.
- iv. If the household's adjustment request is not legitimate, the EBT contractor will deny the credit adjustment denied. DSS will send an adjustment denial notice advising the household of the denial and their right to a fair hearing.
 - a. DSS will send the adjustment denial notice by the 10th business day from the date the error was reported.
 - b. The household may has 90 days from the date of the notice to request a fair hearing.
 - c. The household is not entitled to a provisional credit before the fair hearing.
 - d. The EBT contractor will take no action to credit the household's EBT account unless the only if the fair hearing decision is in the household's favor.

B. Retailer-Initiated Debit Adjustments

FINAL REGULATIONS

- i. ~~A retailer-initiated debit adjustment occurs when the retailer does not receive a credit for an EBT purchase amount when the household made the purchase. The store needs the adjustment to get credit for the purchase made by the household the EBT contractor withdraws benefits from a household's EBT account after a transaction error is reported by a retailer or another party. For example, a household uses the EBT card to purchase \$200 worth of groceries. The credit to the store's account does not go through and the \$200 remains in the household's account debit adjustment may take place when a household makes a purchase, but the retailer's account is not credited correctly for the transaction.~~
- ii. ~~If the retailer does not report the transaction error or the EBT contractor cannot verify the transaction error by the 10th business day from the date the error occurred, the adjustment request must be denied.~~
- iii. ~~DHSS must act upon all adjustments to debit a household's account no later than 10 business days from the date the error occurred, by placing a hold on the adjusted amount in the household's account. The EBT contractor has 10 business days from the date the transaction error occurred to:~~
 - a. ~~Investigate and verify the transaction error; and~~
 - b. ~~Make a determination on the adjustment request by:~~
 1. ~~Approving the request and placing a hold on the household's EBT account for the debit amount; or~~
 2. ~~Denying the request.~~
- iv. ~~The EBT contractor may place a hold on the household's current EBT account balance and the next month's benefits only.~~
 - a. ~~If there are insufficient benefits in the household's EBT account to cover the entire adjustment, DHSS the EBT contractor will place a hold on any the remaining account balance that exists and the whole amount will be debited from the household's account when the next month's benefits become available.~~
 - b. ~~If sufficient funds do not become available by the end of the next month, the adjustment request must be denied and the household's EBT account will not be debited.~~
- v. ~~DHSS will send an adequate notice as defined in DSSM 9094 to the household informing it of the account adjustment. If the retailer's adjustment request is approved, DSS will send an adjustment notice advising the household of the [error] transaction [error], debit amount, adjustment hold process, and their right to a fair hearing.~~
 - a. ~~DSS will send the adjustment notice by the next business day after the hold is placed on the household's EBT account.~~
 - b. ~~The household has 90 days from the date of the notice to request a fair hearing.~~
 - c. ~~If the household disputes the adjustment and requests a fair hearing within 10 days of the notice, DHSS will make a provisional credit to the household's account by releasing the EBT contractor will release the hold on the adjustment balance household's EBT account within 48 hours of the fair hearing request by the household, pending resolution of the fair hearing. The EBT account will not be debited pending a fair hearing decision.~~
 - d. ~~If the household does not request for a fair hearing within 10 days of the notice, DHSS the EBT contractor will release the hold on the adjustment balance, debit the adjustment amount from the household's EBT account and credit this amount to the retailer's account the retailer. The EBT contractor will reverse the debit adjustment only if the fair hearing decision is in the household's favor.~~

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 3000, 4000

ORDER

Babies Born to Teen Parents

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Babies Born to Teen Parents, specifically, to amend the Division of Social Services Manual (DSSM) regarding Babies Born to Teen Parents. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C.** §10114 and its authority as prescribed by 31 **Del.C.** §512.

The Department published its notice of proposed regulation changes pursuant to 29 **Del. C.** §10115 in the December 2024 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by December 31, 2024, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after March 11, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM), Policy 4005.4 Income of Minor Parent's Parent of Legal Guardian in the TANF Program and repeal Policy 3008.1.1 Babies Born to Teen Parents and 3008.1.2 Three Generation Households.

Statutory Authority

45 CFR 260
31 Del. C.c.5

Background

As part of the A Better Chance welfare reform program, Delaware ended Temporary Assistance for Needy Families (TANF) benefits to babies born after December 31, 1998, to unmarried teens under the age of 18. This policy was intended to discourage teen pregnancy, and resulted in some households receiving less in TANF benefits than they would have in the absence of Delaware's babies born to teen parent policy.

Current research shows because of their unique circumstances, teens are likely to face additional challenges to meeting their children's needs because of financial insecurity and other factors. Babies of teen mothers face increased health risks throughout their lives. Without positive supports, poor developmental and economic outcomes remain for teen parents and their children.

Delaware is proposing to repeal the babies born to teen parents' policy to help reduce childhood poverty and strengthen family stability. As a result of this policy amendment, children who were previously withheld from receiving TANF benefits, will receive TANF if their parent has not yet reached the age of 18. This change will provide additional financial assistance to Delaware families with limited income.

Purpose

The purpose of this proposed regulation is to amend Policy 4005.4 Income of Minor Parent's Parent of Legal Guardian in the TANF Program and repeal Policy 3008.1.1 Babies Born to Teen Parents and 3008.1.2 Three Generation Households.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/

DSS gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on December 31, 2024.

Fiscal Impact Statement
Fiscal Impact

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$4,392	\$6,588
Federal funds	\$0	\$0

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: There were comments supporting the proposed changes.

Agency Response: DSS appreciates the support.

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

- "Community Legal Aid Society, Inc. (CLASI)

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the December 2024 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 3008.1.1, 3008.1.2, 4005.4 regarding Babies Born to Teen Parents, specifically, to clarify internal policy and procedures, is adopted and shall be final effective March 11, 2025.

2/13/2025 | 11:23 PM EST
Date of Signature

Josette D. Manning Esq.
Cabinet Secretary, DHSS

***Please note that no changes were made to the regulation as originally proposed and published in the December 2024 issue of the *Register* at page 434 (28 DE Reg. 434). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2025/final/28 DE Reg 673 03-01-25.htm>

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF MANAGEMENT SUPPORT SERVICES

Statutory Authority: 29 Del.C. §9020 (29 Del.C. §9020)
9 DE Admin. Code 501

ORDER

501 Procedures for Drug Testing Certain Employees

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 29 Del.C. §9020, the Department of Services for Children, Youth & Their Families (DSCYF) sought to promulgate regulations regarding its procedures for drug testing certain employees. DSCYF sought to amend Regulation 501 to remove outdated language and to clarify that the only DSCYF employees subject to the random drug testing procedures are those with job duties involving a safety, security-sensitive or childcare position.

Notice of the proposed regulation was published in the *Register of Regulations* on January 1, 2025. DSCYF did not receive any public comment concerning the proposed regulation.

FINDINGS OF FACT

In accordance with 29 Del.C. §10118(c), the Secretary determined that no additional changes are needed.

The Secretary has reviewed the proposed regulation and has determined that any assessment of the impact of the proposed regulation on the state's greenhouse gas emissions reduction targets and resiliency to climate change is not practical.

DECISION TO AMEND THE REGULATION

For the foregoing reasons, DSCYF concludes that it is appropriate to amend 16 DE Admin. Code 501 Procedures for Drug Testing Certain Employees.

ORDER

AND NOW on this 24th day of February 2025, it is hereby ordered that:

1. The proposed amendments to 16 DE Admin. Code 501 Procedures for Drug Testing Certain Employees are adopted;
2. The text of the final regulations shall be in the form attached hereto as Exhibit A, which remain unchanged as initially published in the January 1, 2025 *Delaware Register of Regulations*; and
3. The effective date of the Order is ten days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 Del.C. §10118(c).

IT IS SO ORDERED.

Department of Services for Children, Youth & Their Families

Steven Yeatman, Secretary

501 Procedures for Drug Testing Certain Employees

1.0 Authority

29 Del.C. §9020

2.0 Purpose

The purpose of this ~~policy~~ regulation is to affirm the commitment of the Department of Services for Children, Youth and Their Families (DSCYF) to the protection of children/youth in ~~our~~ its care by requiring all employees in a safety, ~~security-sensitive~~ security-sensitive, or childcare position to undergo testing for commonly abused ~~controlled substances and to establish procedures for the department's drug testing program in order to detect and deter the illegal use of drugs by employees prohibited substances.~~

3.0 Applicability

- 3.1 This ~~policy~~ regulation applies to all employees in a safety, ~~security-sensitive~~ security-sensitive, or childcare position including merit, merit exempt and casual/seasonals as defined by DSCYF policy. ~~Since all positions within the Department are considered safety, security sensitive or childcare positions this policy is applicable to all employees. If there are any conflicts between this policy regulation and the merit rules, as set forth in Merit Rule 1.2, the merit rules shall prevail unless superseded by a collective bargaining agreement (CBA) in accordance with Merit Rule 1.3.~~
- 3.2 ~~All employees will receive a copy of this policy and will sign and return the attached receipt to Human Resources. This policy will act as an official notice for periodic drug testing. No other announcement will be made.~~

4.0 Definitions

~~"Chain of custody": the method of tracing each urine specimen to maintain control from initial collection to final disposition.~~

~~"Collection sites": the designated locations where employees present themselves to provide urine specimens.~~

~~"Confirmation test": an analytical procedure to identify the presence of a specific drug or metabolite, which is independent of the initial test, performed on the same specimen and which uses a different chemical principle from that of the initial test to ensure reliability and accuracy.~~

~~"Confirmed positive result": the presence of a controlled substance in the pure form or its metabolites, at or above the cutoff level, as identified in two consecutive tests on the same sample which employ different test methods, and which is determined not to have been caused by an alternative medical explanation.~~

~~"Contractor": entity paid on a contractual basis to maintain a list of employees in the random testing pool, select employees for random testing, collect specimens, conduct reasonable suspicion and incident triggered testing, safeguard specimens, interpret results, notify DSCYF of positive tests and provide training to supervisors regarding bases for reasonable suspicion testing.~~

~~"Employee": any person receiving compensation as an employee of the DSCYF. "Employee" means any person hired by DSCYF and receiving compensation for work performed for DSCYF.~~

~~"Employee Assistance Program (EAP)": the state of delaware's employee assistance program that provides services to a benefit covered employee who has tested positive for the use of prohibited drugs.~~

~~"Employee testing number": the employee id (EMPLID) number assigned to each employee by the Payroll Human Resource Statewide Technology (PHRST) system.~~

~~"Incident Triggered Testing": Any triggered testing means any incident involving death or serious injury to a DSCYF employee, DSCYF resident or client, loss or significant damage to department DSCYF property, including any accident involving a motor vehicle transporting DSCYF clients or residents, or~~

the escape or runaway of a resident where ~~the security sensitive an~~ employee was involved in the incident.

"Non-negative test result": ~~Test results that indicate a positive, diluted, adulterated, substituted or similar result. All non-negative test results are reviewed by a Medical Review Officer (MRO).~~

"Prohibited substance" means drugs and other substances that may affect physical or mental capabilities while working including marijuana, cocaine, alcohol, opiates, phencyclidine, and amphetamines.

"Random Testing": ~~Tests based upon an appropriate random sampling technique, with significant samples of DSCYF employees in safety, security sensitive or childcare positions being selected on a periodic basis with all such employees having an equal chance of being selected~~ **testing"** means drug testing based upon a random sampling technique of regulated employees. Random testing occurs periodically with an equal chance of selection for all regulated employees.

"Reasonable Suspicion Testing": ~~Includes, but is not limited to,~~ **testing"** means testing as a result of observing the ~~employee(s)~~ employee either using, distributing, or possessing a drug prohibited substance, displaying physical symptoms of being under the influence of a drug prohibited substance, or finding drug prohibited substances or related paraphernalia in the workplace.

"Regulated employees" means any employee or prospective employee accepting job duties involving a safety, security-sensitive, or childcare position. Regulated employees include staff who perform 1 or more of the following duties in their role with DSCYF: carry firearms, administer medication, assess the immediate safety of children including risk of suicide, homicide, or child abuse and neglect, regularly transport children or their families or both as part of their job duties, have responsibility for the direct oversight and supervision of children in facilities and who assess the risk of youth to the safety of the community.

5.0 Policy

- 5.1 The department is committed to maintaining a drug free environment through the use of a reasonable suspicion, return to duty, and random drug testing program. ~~The~~ DSCYF personnel hold positions of public trust and must not place themselves in a position where client safety may be compromised as a result of an employee's drug use. Such misconduct conflicts with their duties, poses a risk to the safety and security of residents, clients, other employees, and the public and jeopardizes the public's confidence. DSCYF shall conduct its drug testing program in accordance with DSCYF policy.
- 5.2 All employees are subject to reasonable suspicion and incident-triggered drug testing as outlined in DSCYF policy. Regulated employees included in DSCYF's safety-sensitive classification are subject to random drug testing.
- 5.2 5.3 Employees on initial probation and casual/seasonal employees who have not satisfied the merit comparable initial probation requirement will be terminated if they receive a positive test result without recourse to the grievance procedure.
- 5.3 5.4 Casual/seasonal employees who have satisfied the merit comparable initial probation requirement may enter into an accredited drug abuse assistance or rehabilitation program at their own expense. Refer to section X. G. for returning to duty.
- 5.4 5.5 Employees who seek assistance, prior to being randomly selected for testing, may enter into an accredited drug abuse assistance or rehabilitation program. The employee may not return to work until they have complied with ~~section X. G.~~ the requirements for returning to duty as outlined in DSCYF policy.

6.0 Procedures

- 6.1 Notice of testing:
 - 6.1.1 ~~Upon arrival at the worksite, selected employees will be given and acknowledge receipt of a Chain of Custody form. The employee must report to a designated collection site and provide a sample within twenty-four (24) hours of notification.~~
 - 6.1.2 ~~Employees notified to report must report for testing to the designated collection site. No requests to be excused or rescheduled shall be granted. Any failure to report, refusal to be tested or refusal~~

to cooperate with the testing procedure will result in the removal from the workplace without pay and will be considered as a positive result.

6.2 Random testing:

6.2.1 All employees are subject to random testing.

6.2.2 Selection is to be based on a computerized random selection of employee testing numbers, not names.

6.2.3 Monthly, the drug testing contractor will randomly select EMPLIDs equivalent to 25% of the random testing population per quarter. Because the selection process is random, some employees may not be tested within a year, while others may be tested more than once.

6.3 Reasonable suspicion testing

6.3.1 In the event of reasonable suspicion, the facility head will contact human resources, who will make a determination and contact the contractor if a decision is made to test.

6.4 Incident triggered testing

6.4.1 In the event of an incident triggered event, the facility head will contact human resources, who will make a determination and contact the contractor if a decision is made to test.

6.5 Return to Duty Testing

6.5.1 Before any employee is allowed to return to duty, the employee must have a verified negative drug screen performed by the Contractor.

7.0 Specimen Collection Procedures

7.1 The State will have a federally certified collector who will be responsible for conducting all urine collections.

7.2 Urine specimens will be collected in accordance with current Federal Department of Transportation standards. Every effort will be made to assure the dignity and privacy of employees being tested.

7.3 If the Contractor determines that the employee is attempting to substitute or adulterate the specimen, the Contractor shall document the fact and direct the employee to provide another specimen. Both specimens shall be forwarded to the laboratory. Confirmation of a substituted or adulterated specimen will be considered as a positive test result.

8.0 Laboratory Procedures

8.1 The laboratory will test for marijuana, cocaine, opiates, phencyclidine and amphetamines. The initial procedure employed will be the Enzyme Multiplied Immunoassay Testing (EMIT) or similar federally approved procedure. Cutoff levels will be consistent with current Federal Department of Transportation standards, which are subject to change.

8.2 All positive specimens shall be confirmed using the Gas Chromatography/Mass Spectrometry (GC/MS), which shall be conducted from the same specimen.

8.3 The confirmation test results are reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a non-negative result to the MRO, the MRO contacts the employee and conducts an interview to determine if there is an alternative explanation for the. If the employee provides appropriate documentation and the MRO determines that it is legitimate explanation and/or medical documentation, the drug test result is reported as negative to the employer.

8.4 The MRO will contact the DSCYF Designated Employer Representative (DER) within the Human Resource Office.

9.0 Preservation Procedures

Specimens determined to contain drugs will be preserved at the laboratory for a minimum of twelve (12) months. Employees testing positive may, upon written request to Human Resources, arrange to have their specimen retested. All costs, including lab fees and transportation shall be paid by the employee requesting the retest.

40.0 Post Testing Procedures

- ~~40.1 If the lab results are negative, the sample shall be destroyed.~~
- ~~40.2 If the lab results are positive, the report will be forwarded to Human Resources by the MRO.~~
- ~~40.3 The Human Resource Office will then notify the appropriate Division Director or designee. They will, in turn, notify the employee and immediately remove him/her from the workplace without pay.~~
- ~~40.4 The employee is then directed to participate in an accredited drug abuse assistance or rehabilitation program. Refusal to do so may result in dismissal. All benefit covered employees will be referred to the State's EAP program for assistance in enrollment.~~
- ~~40.5 Once the employee makes contact with an accredited drug abuse assistance or rehabilitation program, and provides documentation of same, the employee will be allowed to use accrued leave, rescheduled holidays or compensatory time previously earned.~~
- ~~40.6 Before being allowed to return to duty, the employee must:~~
 - ~~40.6.1 Provide documentation to Human Resources showing that the drug abuse assistance or rehabilitation program was successfully completed and the employee has been released to return to work. "Successful completion" means the employee has achieved a drug free state as determined by the program counselor, and~~
 - ~~40.6.2 The employee will then be required to pass a "return to duty" drug test paid for by the DSCYF before being cleared to return to work.~~
- ~~40.7 Any employee who tests positive on a drug test for a second time within five (5) years from the date of program completion will be terminated without the option to participate in a treatment program.~~

DEPARTMENT OF STATE**DIVISION OF PROFESSIONAL REGULATION****Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners**

Statutory Authority: 24 Delaware Code, Section 1806(a)(2) (24 Del.C. §1806(a)(2))

24 DE Admin. Code 1800**ORDER****1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners**

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on January 14, 2025 at a scheduled meeting of the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations.

The proposed amendments consist of changes to regulation subsection 3.1.2.2.3 clarifying that an individual pursuing a restricted HVACR license needs only to pass the bypass exam sections relevant to the restriction. The proposed amendments to subsection 5.0 further clarify the continuing education requirements that take effect for the 2026 renewal. The other proposed amendments reflect technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 28, Issue 3 on September 1, 2024, contemplating an October 8, 2024 public hearing. On November 1, 2024 in Volume 28, Issue 5 of the *Delaware Register of Regulations*, public notice was given that the public hearing had been rescheduled to be held on January 14, 2025 at 8:30 a.m. Notice of the January 14, 2025 hearing was also published in the *News Journal* (Exhibit 1) and the *Delaware State News* (Exhibit 2). Pursuant to 29 Del.C. § 10118(a), the date to receive final written comments was January 29, 2025, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on February 11, 2025.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

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

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

At the public hearing on January 14, 2025, Mr. Charles Robbins spoke publicly in favor of the amendments.

No written comments were submitted.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. There were no comments provided to the Board in writing. The Board considered the public comments from Mr. Robbins in favor of amending the regulations.

Pursuant to 24 **Del.C.** § 1806(a)(2), the Board has the statutory authority to promulgate rules and regulations related to requirements for continuing education. 24 **Del.C.** § 1806(a)(4) authorizes the Board to designate the standard examinations required for licensing. And, having received only supportive comments concerning the proposed amendments, the Board finds reason to amend the regulations as proposed and hereby takes action to do so.

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

Decision and Effective Date

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

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

Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners

/s/ Philip Sharp, President, Professional [Vacant], Professional Member
Member

/s/ Harold Caswell, Professional Member [Vacant], Professional Member

/s/ Jonathan Cochran, Professional [Vacant], Public Member
Member

/s/ Russell Yetter, Professional Member [Vacant], Public Member

/s/ James Anderson, Public 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 September 2024 issue of the *Register* at page 208 (28 DE Reg. 208). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2025/final/28 DE Reg 679 03-01-25.htm>

DIVISION OF PROFESSIONAL REGULATION

BOARD OF SOCIAL WORK EXAMINERS

Statutory Authority: 24 Delaware Code, Section 3906(a)(1) (24 **Del.C.** §3906(a)(1))
24 **DE Admin. Code** 3900

ORDER

3900 Board of Social Work Examiners

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on January 13, 2025 at a scheduled meeting of the Delaware Board of Social Work Examiners ("Board") to receive comments regarding proposed amendments to the Board's regulation. Subsection 2.2.1 has been revised to provide that there will be no limit to the number of times that an applicant may take the licensure examination. In addition, the revisions implement SB 314, 152nd General Assembly, which removed "supervision" from the scope of practice of a master's social worker and prohibits a master's social worker from providing supervision to a licensed clinical social worker applicant.

The proposed changes to the regulation were published in the *Delaware Register of Regulations*, Volume 28, Issue 6, on December 1, 2024. Notice of the January 13, 2025 hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News*. Exhibit 2. Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was January 28, 2025. The Board deliberated on the proposed revisions at its regularly scheduled meeting on February 17, 2025.

Summary of the Evidence and Information Submitted

The following exhibits were made part of the record:

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

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

There was public comment presented in the form of testimony at the January 13, 2025 hearing. Ms. Debra O'Neal stated her support for the revision to subsection 2.2.1 which removes the cap on the number of times that an applicant may take the licensure examination. No written comment was submitted either before the hearing or during the 15-day period following the hearing.

Findings of Fact and Conclusions

Pursuant to 24 **Del.C.** § 3906(a)(1), the Board has the statutory authority to promulgate regulations.

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's regulation. There was verbal testimony presented in support of the proposed regulatory changes and no written comment was submitted. In these circumstances, the Board finds no reason to amend the regulation as proposed.

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

Decision and Effective Date

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

Text and Citation

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

IT IS SO ORDERED this 17th day of February 2025 by the Delaware Board of Social Work Examiners.

DELAWARE BOARD OF SOCIAL WORK EXAMINERS

/s/ Jamie Brown, LCSW

ABSENT, Victor Kyle

/s/ Janet Urdahl, LCSW

/s/ Roger Akin

/s/ Diane Glenn, LBSW

/s/ Kim Epolito

/s/ Joseph Anastasio, LCSW

***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 December 2024 issue of the *Register* at page 439 (28 DE Reg. 439). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2025/final/28 DE Reg 681 03-01-25.htm>

DIVISION OF SMALL BUSINESS

Statutory Authority: 29 Delaware Code, Section 8705A (29 Del.C. §8705A)

ORDER**The STEM Talent Advancement and Retention ("STAR") Fund****SUMMARY OF THE EVIDENCE**

1. Senate Bill 327 of the 152nd General Assembly and 29 Del.C. §8705A authorize the Department of State, Division of Small Business to promulgate regulations in relation to the powers, duties, and functions for the administration of The STEM Talent Advancement and Retention ("STAR") Fund.
2. Pursuant to this authority, the Division of Small Business is responsible to and intends to promulgate regulations regarding the process, procedures, and requirements concerning the fund.
3. The Division of Small Business will administer the fund.
4. Notice of the proposed regulations was published in the January 1, 2025 edition of the *Delaware Register of Regulations*, and the public was given 30 days to provide written comment.
5. The Division did not receive any comments.
6. Having provided the opportunity for public comment on the proposed regulations in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., this is the Order adopting the proposed regulations published previously with non-substantive changes.

FINDINGS OF FACT

1. The Director of the Division of Small Business finds that it is necessary to promulgate the proposed regulations published previously, in order to comply with Senate Bill 327 regarding The STAR Fund.

IMPACT ON GREENHOUSE GAS EMISSIONS

An assessment of the impact of the proposed regulations on the achievement of the State's greenhouse gas emissions reduction targets is not practical for The STAR Fund.

DECISION AND ORDER

For the foregoing reasons, the Director concludes that it is appropriate to promulgate regulations regarding The STAR Fund and in which the text of the final regulation shall be in the form referenced herein. Therefore, the regulations shall be adopted in accordance with this Order. The effective date of this Order shall be 10 days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED this 19 day of February, 2025.

CJ Bell, Director
Division of Small Business
Department of State

The STEM Talent Advancement and Retention ("STAR") Fund

1.0 Statutory Authority and Enabling Legislation

The STAR Fund was established pursuant to Section 37 of the Fiscal Year 2025 Grants-in-Aid Act, Senate Bill 327 of the 152nd General Assembly, which directs the Division of Small Business (the "Division") to prescribe such regulations as may be necessary to administer the STAR Fund.

2.0 Purpose and Intent

- 2.1 The purpose of the STAR Fund is to incentivize, retain, and attract graduates from an accredited post-secondary institution of higher education who are employed or considering employment in Delaware in the STEM fields by providing awards for reimbursement of their higher education loans.
- 2.2 This regulation contains procedures governing the process for applying to the Division for an award under the STAR Fund and criteria for the Division's approval or disapproval of an application for an award under the STAR Fund.

3.0 Definitions

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

"Applicant" means any individual with an associate's, bachelor's, graduate, or post-graduate degree from an accredited post-secondary institution of higher learning, with accompanying education loan repayment expenses, who is employed or has an offer of employment as a full-time employee (minimum of 35 hours per week) with a Delaware-based employer, filling a position located in the State.

"Application" means an application made to the Division of Small Business on such form or forms, together with all relevant attachments, and signed by the applicant.

"Award" means funding provided from the STAR Fund to applicants for the reimbursement of higher education loans.

"Awardee" means an applicant who has been selected by the Fund Committee to receive an award from the STAR Fund.

"Award letter" means a letter from the Fund Committee notifying applicants who have been selected to receive an award from the STAR Fund.

"Division" means the Division of Small Business created by § 8703A of Title 29 of the Delaware Code.

"Eligibility period" means a term of up to 4 consecutive service periods beginning on the date that an awardee receives initial notice of an award from the STAR Fund and ending at the conclusion of the fourth service period.

"Eligible expenses" means annual higher education loan repayment expenses, including principal, interest, and fees (excluding late fees or other penalties for late payment).

"Fund Committee" means the group of individuals designated by the Delaware Division of Small Business and the Delaware Center for Life Science Education and Training, including the Director of the

Delaware Division of Small Business and the Executive Director of the Delaware Center for Life Science Education and Training, or their designees, to review applications and select awardees.

"Service Period" means 1 calendar year of education loan repayments.

"State" means the State of Delaware.

4.0 Eligibility

- 4.1 The applicant shall have graduated from an accredited post-secondary institution of higher learning with an associate's, bachelor's, graduate, or post-graduate degree with accompanying education loan repayment expenses.
- 4.2 The applicant shall be offered employment as a full-time employee (minimum of 35 hours per week) with a Delaware-based employer ~~[filing filling]~~ a position located in this State throughout the eligibility period. Employment must be in 1 or more of the following fields:
 - 4.2.1 Life, natural, or environmental sciences;
 - 4.2.2 Computer information or software technology;
 - 4.2.3 Advanced mathematics or finance;
 - 4.2.4 Engineering; or
 - 4.2.5 Medical device technology.
- 4.3 Preference will be given to applicants who are permanent residents of the State or who attended an institution of higher education located in the State when they incurred the eligible expenses.

5.0 Timeline

The Fund Committee shall complete its review of the applications within 60 days from the application deadline.

6.0 Application Process

- 6.1 The application will be available through an application portal located on the Delaware Center for Life Science Education and Training's website. Every application that includes all required responses and attachments will be reviewed and evaluated by the Fund Committee. All applicants will be notified of the Fund Committee's decision upon the conclusion of the Fund Committee's review of all applications.
- 6.2 Applicants are required to submit the following documents in addition to the application:
 - 6.2.1 Employer Endorsement Form.
 - 6.2.2 Resume, including applicant's current position and current employer.
 - 6.2.3 Transcripts from post-secondary educational institution. Transcripts do not need to be "official" transcripts, but must include the college or university's name, student's name, course work and grades, and GPA.
 - 6.2.4 Twelve months of individual loan statements and proof of payment for the entire service period to prove the applicant's minimum monthly payment amount for all lenders.
 - 6.2.5 Documentation for each student loan account that includes the following information:
 - 6.2.5.1 Account holder information (name, address, account number).
 - 6.2.5.2 Loan provider information.
 - 6.2.5.3 Loan terms and payment schedule, including minimum required payment amount.
 - 6.2.5.4 Total loan amount and interest rate.
 - 6.2.5.5 Evidence of other loan repayment programs, if applicable, including income based repayment letters and employer-run program agreements.

7.0 Selection Process

- 7.1 Applications will be reviewed and evaluated by the Fund Committee, which shall consist of 5 members chosen by the Delaware Division of Small Business and the Delaware Center for Life Science Education and Training. The Director of the Delaware Division of Small Business and the Executive

Director of the Delaware Center for Life Science Education and Training, or their designees, must be members of the Fund Committee.

- 7.2 The remaining 3 members of the Fund Committee shall be selected based on their knowledge and expertise in STEM employment trends and STEM hiring needs in Delaware. The Fund Committee may include representatives from STEM industries, a representative from a Delaware higher education institution, and a representative from a workforce development organization.
- 7.3 The Fund Committee will review applications on a name-blind basis.
- 7.4 Upon receipt of an application from an eligible applicant, the Fund Committee shall select applicants, on a competitive basis, to receive an award for the service period for which the applicant is applying, as follows:
 - 7.4.1 A maximum award of \$1,000 for an associate degree holder.
 - 7.4.2 A maximum award of \$4,000 for a bachelor's degree holder.
 - 7.4.3 A maximum award of \$6,000 for a graduate or post-graduate degree holder.
- 7.5 The Fund Committee shall email an award letter to each applicant selected for an award. The applicant shall have 30 days from the date the award letter is emailed to accept the award by countersigning the award letter and delivering an executed copy to the Division. An award shall be deemed withdrawn if not timely accepted by an applicant.
- 7.6 In addition to the terms provided by subsections 7.4, 7.5, and 8.2 of this regulation, the award letter shall require that the applicant:
 - 7.6.1 Submit annual reports, in the form and on the dates as required, in order to confirm that the applicant continues to meet all of the eligibility requirements contained in this regulation; and
 - 7.6.2 Consent to the public disclosure of the receipt of any award, including disclosure of the applicant's:
 - 7.6.2.1 Name;
 - 7.6.2.2 Post-secondary institution of higher learning; and
 - 7.6.2.3 Employer.

8.0 Annual Certification

- 8.1 Within 6 months after the end of each service period, awardees shall submit documentation certifying the following information:
 - 8.1.1 The amount of eligible expenses the awardee has actually incurred and paid.
 - 8.1.2 That the awardee continues to meet the eligibility requirements throughout the service period.
 - 8.1.3 That the award amount does not exceed the original student loan amount, plus any capitalized interest, excluding any award previously received from the STAR Fund.
 - 8.1.4 That the awardee is current on their student loan repayment obligations.
- 8.2 Awardee shall submit a notarized certification attesting to the truth and accuracy of the information provided in response to subsections 8.1.1 through 8.1.4, in the form to be provided with the award letter. The Division reserves the right to request additional documentation, in its sole discretion.

FINAL REGULATIONS

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 209(a)(1), 1014(d) and 1014(e) (26 Del.C. §§209(a)(1), 1014(d) & 1014(e))
26 DE Admin. Code 3012

ORDER

3012 Rules for Regulation of Net Metering

IN THE MATTER OF THE ADOPTION OF
RULES AND REGULATIONS TO
IMPLEMENT THE PROVISIONS OF *TITLE*
26 § 1014 OF THE DELAWARE CODE
RELATING TO NET METERING
(OPENED OCTOBER 25, 2023, RE-
OPENED OCTOBER 30, 2024)

PSC REGULATION DOCKET NO. 65

ORDER NO. 10644

AND NOW, this 29th day of January 2025, the Delaware Public Service Commission ("Commission") determines and orders as follows:

WHEREAS, on July 22, 2022, the Governor of the State of Delaware signed into law Senate Bill 298, which amended provisions in 26 Del. C. § 1014 relating to net energy metering including: (1) removing the charges for societal benefits programs from those charges against which a commission-regulated utility applies a net energy metering customer's "Excess kWh Credits" in subsequent monthly billing periods (and to define "societal benefits programs"); (2) providing that electric utilities shall not reimburse or credit net energy metering customers for any "Excess kWh Credits" at the end of the annualized billing period, and that "Excess kWh Credits" shall revert to the electric distribution company at the end of the annualized billing period; and

WHEREAS, Delmarva Power & Light Company ("Delmarva") advised the Staff of the Delaware Public Service Commission ("Staff") that implementing some of the provisions of Senate Bill 298 would require changes to the billing system (PSC Order No. 10291, p. 6); and

WHEREAS, on March 30, 2023, the Governor of the State of Delaware signed into law Senate Bill 54, which extended the effective date of certain provisions in Senate Bill 298 and thus amended provisions in 26 Del. C. § 1014 subsection (d) and (e)(1) relating to net energy metering including: (1) providing that excess kWh Credits at the end of the annualized billing period shall revert to the EDC providing electric distribution to the customer on May 31, 2023; and (2) providing that a commission-regulated utility may continue to make payments for Annual Excess kWh until May 31, 2023; and (3) providing that effective January 1, 2024, for commission-regulated utilities for existing and future Net Energy Metering Customers, both residential and nonresidential, the monthly Excess kWh Credit shall be valued at the sum of the volumetric (kWh) components of the supply service charges and the distribution service charges, not including the charges for Societal Benefits Programs, according to each participating Customer account's rate schedule; and

WHEREAS, on August 23, 2023, the Commission issued Order No. 10291 to approve the uncontested changes to the *Net Metering Rules* in PSC Regulation Docket No. 49 (the Net Metering Rules were later moved to PSC Regulation Docket No. 65) and advised in PSC Order No. 10291 (p.12) the Commission may consider a petition to propose amendments "to align with Senate Bill 54 at a future time;" and

WHEREAS, on July 27, 2023, the Governor of the State of Delaware signed into law Senate Bill 111, which amended provisions in 26 Del. C. § 1014 relating to net energy metering, including: (1) increasing the capacity for net metered farm customers from 100 kW to 150 kW; and (2) setting rules for power supply agreements between farms and Delmarva; and

WHEREAS, Commission Staff ("Staff") drafted amendments to the Commission's *Rules for Regulation of Net Metering*, codified at 26 Del. Admin. C. § 3012 ("*Net Metering Rules*"); and

WHEREAS, on October 30th, 2024, the Commission re-opened Regulation Docket No. 65 for *Rules for*

Regulation of Net Metering, codified at 26 *Del. Admin. C.* § 3012, as Staff found that amendments were necessary for compliance with the remaining requirements set forth by Senate Bill 298, Senate Bill 54 and the new requirements set forth by Senate Bill 111 which are specifically detailed as follows:

- (1) to update the capacity from 100kW to 150kW for farm customers in section 2.2.1.3 in accordance with Senate Bill 111 (1)(b); and
- (2) to update subsection 2.2.3 to state that the section applies to the electric distribution company's transmission and distribution facilities instead of the suppliers facilities in accordance with Senate Bill 54 (4); and
- (3) to update subsection 2.2.4 to reflect new rules regarding power supply agreements with farm customers in accordance with Senate Bill 111 (5); and
- (4) to update subsection 2.4.1 to reflect changes to the calculation for excess kWh credits in accordance with Senate Bill 298 (1)(b) and to insert an effective date in accordance with Senate Bill 54 (1)(b); and
- (5) to update subsection 2.4.1 to include the definition of societal benefits programs in accordance with Senate Bill 298 (1)(b); and
- (6) to update subsection 2.4.2 to reflect the new rule that the utility will not reimburse customers for excess kWh credits at the end of the annualized billing period in accordance with Senate Bill 298 (5).

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

WHEREAS, in accordance with PSC Order No. 10576, the proposed amendments to the *Net Metering Rules* were published in the December 2024 *Delaware Register of Regulations*; and

WHEREAS, pursuant to 26 *Del. C.* § 102A, the Secretary published the required public notice on the Commission's website located at <https://depsec.delaware.gov>; and

WHEREAS, Staff received no public comments on the proposed amendments by the January 2, 2025 date established in the public notice; and

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

WHEREAS, the Commission finds that the Proposed Rules as published in the December 2024 edition of the *Delaware Register of Regulations* are in compliance with SB 298, SB 54 and SB 111. The Commission finds that it is appropriate to adopt the Proposed Net Metering Rules as final;

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

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

2. That, pursuant to 29 *Del. C.* §§ 10113 and 10118, Staff shall cause a copy of the necessary order and required documents to the Registrar of Regulations for publication in the *Delaware Register of Regulations*. An exact copy of the Rules shall be published as the current official regulations in the *Delaware Register of Regulations*.

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

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

BY ORDER OF THE COMMISSION:

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

Joann Conaway, Commissioner

(Absent) Harold B. Gray, Commissioner

Manubhai Karia, Commissioner

K. F. Drexler, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary

***Please note that no changes were made to the regulation as originally proposed and published in the December 2024 issue of the *Register* at page 443 (28 DE Reg. 443). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2025/final/28 DE Reg 686 03-01-25.htm>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH

Statutory Authority: 29 Delaware Code, Section 7903(14) (29 Del.C. §7903(14))

NOTICE OF PUBLIC COMMENT Delaware Drinking Water State Revolving Fund

Notice of Public Participation: Public Comment on the Delaware Drinking Water State Revolving Fund Project Priority List Ranking Criteria

The Department of Health and Social Services, Drinking Water State Revolving Fund ("DWSRF") is announcing the publication of the draft Project Priority List Ranking Criteria for DWSRF projects.

To meet public notice and participation requirements under §35.3580 of the Code of Federal Regulations (40 CFR Part 35 Subpart L), the Department of Health and Social Services, as the lead agency for the Drinking Water State Revolving Fund in Delaware, is publishing the draft Project Priority List Ranking Criteria. The draft ranking criteria will be available for public review at <https://www.dhss.delaware.gov/dhss/dph/hsp/dwsrf.html> for 30 days beginning March 1 through April 1, 2025.

The purpose of the public participation period is to gather comments regarding the draft ranking criteria.

SUMMARY OF PROPOSED REVISIONS TO RANKING CRITERIA

1. A revision to Section 2j, Sustainability, to increase the maximum points from 270 to 290 to add if the borrower submitted a Lead Service Line Inventory to the Office of Drinking Water to ensure projects that are focused on replacing lead service lines are submitting their LSLI.
2. To add Section 2l, Readiness to Proceed, and 20 points if the project is intended to begin within one year, to ensure projects that are ready to begin get additional points.

The opportunity for public comment on the draft ranking criteria is available for 30 days beginning March 1 through April 1, 2025. Comments may be provided to DWSRF by mail or email to:

Drinking Water State Revolving Fund
417 Federal St, 3rd Fl, Suite 205
Dover, DE 19901
DHSS_DPH_DWSRF@delaware.gov

Responses to individual questions and comments will not be provided; however, the DWSRF staff will review and consider all comments and make any modifications to the ranking criteria that are deemed necessary. **DWSRF must receive comments no later than Monday, April 1, 2025.**

[https://regulations.delaware.gov/register/march2025/general/DWSRF Ranking Criteria \(03.25 Register\).pdf](https://regulations.delaware.gov/register/march2025/general/DWSRF%20Ranking%20Criteria%20(03.25%20Register).pdf)

GENERAL NOTICES

DEPARTMENT OF INSURANCE OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Sections 3366 and 3570A (18 **Del.C.** §§3366 and 3570A)

NOTICE

Autism Spectrum Disorders Coverage

The purpose of this notice is to comply with 18 **Del.C.** §§ 3366(b) (Health Insurance Contracts - Autism spectrum disorders coverage) and 3570A(b) (Group and Blanket Health Insurance - Autism spectrum disorders coverage), which require that:

After December 31, 2012, the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the *Delaware Register of Regulations* an adjustment to the maximum benefit [for coverage for applied behavior analysis services, which is] equal to the change in the United States Department of Labor Consumer Price Index for all Urban Consumers (CPI-U) in the preceding year and the published adjusted maximum benefit shall be applicable to all health insurance policies issued or renewed thereafter.

The General Assembly established the maximum benefit on August 13, 2012 at \$36,000 per twelve-month period per person (See SB No. 22/SA Nos 1&3, 146th Gen. Assem. (2011-2012)), and specified that the benefit "shall not be subject to any limits on the number of visits an individual may make to an autism services provider, or that a provider may make to an individual, regardless of the locations in which services are provided."

Using the CPI-U Historical Tables published by the U.S. Bureau of Labor Statistics at https://www.bls.gov/regions/mid-atlantic/data/consumerpriceindexhistorical_us_table.htm, the maximum benefit for coverage for applied behavior analysis services per person for 2025 is \$37,691.77. The maximum per person 2025 benefit shall go into effect on April 1, 2025 and shall remain in effect until March 31, 2026.

Questions concerning this notice should be directed to:

Delaware Department of Insurance

ATTN: Consumers Division - Autism spectrum disorders coverage

1351 West North St., Ste. 101

Dover, DE 19904

compliance@delaware.gov (please put "Autism spectrum disorders coverage" in the subject line of the email).

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION

Board of Pharmacy

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

NOTICE

2500 Board of Pharmacy

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy ("Board") has proposed revisions to its regulation.

The Board proposed to amend subsection 5.1.6, pertaining to compounding; a new Section 21.0 was added concerning work conditions for pharmacists; and a new Section 22.0 was added to set forth the parameters where a pharmacist may decline to fill a prescription based on professional judgment.

The proposed amendments were published on page 507 of the January 1, 2025 *Delaware Register of Regulations*, Volume 28, Issue 7. The public hearing was scheduled for February 19, 2025 at 9:30 a.m. However, the hearing was cancelled. As a result, the Board will now hold a public hearing on April 16, 2025 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at ruthm.dixon@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be **May 1, 2025**. The Board will deliberate on all of the public comments at its next regularly scheduled meeting.

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

Traffic Engineering Section

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

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 - Welsh Tract Road (N367)

January 23, 2025

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

Ms. Smallwood,

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

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

§4505. Traffic control devices.

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

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

GENERAL NOTICES

"No Trucks Over 2 Axles Except Local Services" on Welsh Tract Road (N367) between Otts Chapel Road (N397) and SR896 South College Avenue (N387).

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

Thank you,
Peter Haag
Chief of Traffic Engineering

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Commission's quarterly business meeting will be held on **Wednesday, March 12, 2025**, commencing at **10:30 a.m.** The business meeting will be held remotely. An agenda, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date.

For additional information, including a link to the live stream of this event, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF AGRICULTURE
DELAWARE NUTRIENT MANAGEMENT COMMISSION
PUBLIC NOTICE
1204 Nutrient Management Turf Specific Regulations

The Delaware Nutrient Management Commission, pursuant to 3 **Del.C.** §§2201(5) and 2220(a), proposes the adoption of 3 **DE Admin. Code** 1204 Nutrient Management Turf Specific Regulations to regulate the application of nutrients to turf, including home and commercial lawns, over ¼ acre in size. The proposed regulations exclude athletic fields, golf courses, residential lots less than ¼ acre in size, and land used in the production for sale of sod or seed and only applies to commercial nutrient handlers who are paid to apply such nutrients.

Written comments should be sent to Brooke Walls, Acting-Administrator of the Delaware Nutrient Management Commission, 2320 S. DuPont Highway, Dover DE 19901. Written comments will be accepted until 5:00 p.m. on March 31, 2025 pursuant to 29 **Del.C.** § 10118(a).

FOOD PRODUCT INSPECTION
PUBLIC NOTICE
303 Delaware Raw Milk Regulations

Summary

The Delaware Department of Agriculture, in consultation with the Delaware Department of Health and Social Services, proposes to adopt a new regulation regarding fresh milk and raw milk in accordance with Title 3, Section 3181 of the Delaware Code. The purpose of the proposed regulation is to administer and enforce the permitting, testing, and inspection requirements applicable to the sale and distribution of fresh milk, raw milk, and other products derived from raw milk that are intended for human consumption. 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 March 1, 2025 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture Food Products Inspection, 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.

A public hearing will be held on March 25, 2025 at 9:30 a.m. in Conference Room A at the Delaware Department of Agriculture, 2320 South Dupont Highway Dover, Delaware. 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 April 11, 2025. 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
Juvenile Justice Initiative

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 Supplement 5 to Attachment 3.1-A page 7, Supplement 5 to Attachment 3.1-A page 8, Supplement 5 to Attachment 3.1-A page 9, Supplement 5 to Attachment 3.1-A page 10, Supplement 5 to Attachment 3.1-A page 11, Supplement 5 to Attachment 3.1-A page 12, Supplement 5 to Attachment 3.1-A page 13, Attachment 3.1-M page 1, Attachment 3.1-M page 2, and Attachment 4.19-B page 30, specifically, to expand services provided for incarcerated individuals.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2025. Please identify in the subject line: Juvenile Justice Initiative.

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

4104 Delaware Conrad State 30/J-1 Visa Waiver Program

Pursuant to 16 **Del.C.** §122(3), 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 Regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program and intends to hold them open for public comment per Delaware law. The revisions include the addition of a definitions section, updated forms, and technical changes that will bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

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

Public comments will be accepted until 4:30 p.m. on April 1, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4461 State of Delaware Milk Code

Pursuant to 16 **Del.C.** §122, the Health Systems Protection section within the Division of Public Health, Department of Health and Social Services, is proposing revisions to the State of Delaware Milk Code, as described in subsection 2.1 of this regulation. A summary of the major changes can be found below:

Item 12r	Positive ventilation during cleanings in automatic milking installation (AMI) milking unit rooms may not be required in installations where AMI milking rooms are separated from the housing unit.
Section 3	The following clarification language was added. Food manufacturing facilities that are only receiving Grade "A" milk products for use as an ingredient in another food that is not a Grade "A" milk product defined in the Ordinance are exempt from the permit requirements of Section 3.
FDA Forms	The following Food and Drug Administration (FDA) forms used during ratings have been updated: <ul style="list-style-type: none">• Form 2359 - Milk Plant Inspection Report• Form 2359d - Report of Certification• Form 2359i - Interstate Milk Shippers (IMS) Report• Form 2359j - Milk Sanitation Rating Report• Form 2359L - Status of Milk Plants• Form 2359p - National Conference on Interstate Milk Shipments (NCIMS) Aseptic Processing and Packaging Program and Retort Processed After Packaging Program Critical Listing Elements
Section 5	Industry plant samplers have been added to the list of approved certified industry inspections that can be conducted cooperatively.
Appendix N	A definition section and flowcharts have been added to Appendix N of the code to standardize the understanding of the testing requirements of raw milk.
MMSR	Milk plants not in compliance with Appendix T during re-inspections will not be removed from the IMS list. Instead, corrections to be implemented by the facility will be jointly developed with the FDA and the State regulatory authority.

Delaware is proposing amendments to the 2015 Delaware milk code by incorporating, by reference, all model documents from the 2023 NCIMS. This includes the FDA Grade "A" Pasteurized Milk Ordinance, 2023 revision; Procedures Governing the Cooperative State-Public Health Service/FDA Program of the NCIMS, 2023 revision;

Evaluation of Milk Laboratories, 2023 revision and Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers, 2023 revision.

Copies of the proposed regulations are available for review in the March 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4700.

Public comments will be accepted until 4:30 PM on April 2, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

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

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

REGISTER NOTICE

3801 Shellfish Aquaculture

The hearing record on the proposed changes to **3801 Shellfish Aquaculture** opens March 1, 2025 (Hearing Docket No. 2024-R-F-0018). The virtual public hearing will be held on Tuesday, March 25, 2025, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>. If prompted, use Meeting ID: 832 8651 9336 Passcode: 428469 To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Closed captioning is available in over 20 languages, including English and Spanish, to attendees via the Zoom platform utilized for all DNREC Public Hearings.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>

The proposed amendments may be inspected online starting March 1, 2025 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at John.Clark@delaware.gov.

Public comments will be received until close of business Wednesday, April 9, 2025. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Funeral Services
PUBLIC NOTICE
3100 Board of Funeral Services

Pursuant to 24 **Del.C.** §3105(a)(1), the Delaware Board of Funeral Services ("Board") has proposed revisions to its Rules and Regulations. This proposed amendment is required by 84 **Del.Laws**, c. 261 §§15-16 (requiring the Board to promulgate regulation concerning the practice of human natural organic reduction). See *also*, 24 **Del.C.** §3105(a)(17).

The Delaware General Assembly passed, and on May 16, 2024 Governor John Carney signed, 84 **Del.Laws**, c. 261 (formerly House substitute no. 1 for House bill no. 162 as amended by House amendment no. 5). That action requires the Board to promulgate regulations, within 1 year of May 16, 2024. This law requires the Board to define those practices that are necessary to establish the practice of the natural organic reduction of human remains and the operation of facilities offering the service of the natural organic reduction of human remains and to coordinate with other relevant State agencies and instrumentalities to reach a conclusion. Amendments proposed to Sections 4.0, 13.0, and 14.0 respond to the requirement established by law to do so.

Other amendments, in Sections 13.0 and 14.0, are intended to clarify and improve the Board's inspection program of funeral establishments. That program was created pursuant to 24 **Del.C.** §3105(a)(15).

Further amendments in Section 4.0 define and clarify the Board's requirements for funeral establishments and branch funeral establishments, each of which are permitted pursuant to 24 **Del.C.** §3117. These proposed amendments include requirements for obtaining permits for funeral establishments and branch funeral establishments. The proposed amendments also provide the way permitted establishments shall be required to identify their facilities to the Board. The proposed amendments also set forth the required disclosures to be made to the Board concerning the facilities available at permitted establishments and branch establishments as well as the requirements for decommissioning previously available facilities.

Amendments to Section 7.0 propose to delete outdated provisions that are no longer relevant to the Board or its licensees and permit holders.

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

The Board will hold a public hearing on the proposed regulation changes on March 25, 2025, at 10:00 a.m. in the second-floor conference room B 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 Funeral Services, 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 Pamela.Zickafoose@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be April 9, 2025. The Board will deliberate on all public comments at its next scheduled meeting on April 10, 2025.

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
PUBLIC NOTICE
Rule 203 (Formerly Rule 36) Delivery, Sale and Consumption of Alcoholic Liquors for On-Premises Consumption

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 4 **Del.C.** §304, the Delaware Alcoholic Beverage Control Commissioner proposes to edit the

existing regulation at 4 **DE Admin. Code** 203 to allow on-premises licensees to sell, serve or deliver and patrons to consume alcoholic liquors 1 hour earlier, at 8 a.m., from the former time of 9 a.m., to comply with amendments to 4 **Del.C.** §709.

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

Doug Denison
Deputy Commissioner
Office of the Delaware Alcoholic Beverage Control Commissioner
820 N. French St., 10th Floor
Wilmington, DE 19801

Comments may also be directed via electronic mail to OABCCrulescomments@delaware.gov. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Delaware Alcoholic Beverage Control Commissioner no later than 4 p.m. EST, April 1, 2025.

The action concerning determination of whether to adopt the proposed regulations will be based upon consideration of the written comments and any other written materials filed by the public.
