

**AMENDMENT NUMBER SIX TO THE STATE OF DELAWARE  
DEFERRED COMPENSATION PLAN UNDER IRC § 403**

The Plans Management Board (the “Board”) of the State of Delaware currently maintains the State’s tax-advantaged retirement savings plan for education employees under Internal Revenue Code Section 403(b) (the “Plan”), as authorized by Title 29, Chapter 60A of the Delaware Code, which Plan was restated, effective January 1, 2017, and thereafter amended on five prior occasions.

The Board, as authorized by majority vote, now desires to further amend the Plan, effective January 1, 2026, to allow for in-plan Roth rollovers.

NOW, THEREFORE, BE IT RESOLVED that the Plan shall read as follows:

1. The Plan shall include a new Section 6.5 as follows:
2. **6.5 In-Plan Roth Rollover.**
  - (a) An in-plan Roth rollover may be accomplished by an in-plan direct rollover or by a distribution of amounts to the Participant who then rolls over the funds into his or her Roth Account in the Plan within 60 days in accordance with Section 402A(c)(4) of the Code.
  - (b) Any vested amount held in an Account for a Participant (other than an amount already held in a Roth Account) is eligible for direct rollover to the Participant's Roth Account under the Plan, even if the vested amount is not otherwise distributable (pursuant to Section 402A(c)(4) of the Code) under Article V of the Plan, and the transfer shall be treated as a qualified rollover contribution (within the meaning of Section 408A(e) of the Code) to such Account. Unless a Participant directs otherwise, in-plan Roth rollovers will be invested in the same Plan investment options as the Elective Deferrals were invested in before the in-plan Roth rollover occurred.
  - (c) A Participant's election under this Section 6.5 shall be subject to the reasonable administrative procedures established by the Plan Administrator, Section 402A(c)(4) of the Code and the regulations thereunder, and subsequent guidance from the Internal Revenue Service.
  - (d) Any election under this Section 6.5 shall be irrevocable.
  - (e) The taxable portion of the Participant's Account transferred to a Roth Account under this Section 6.5 shall be included in the Participant's gross income in the tax year in which the transfer occurs.
  - (f) The Plan shall provide written tax information regarding in-plan Roth rollovers under this Section 6.5 for amounts that are otherwise distributable under Article V to the extent required by Section 402(f) of the Code.

IN WITNESS WHEREOF, the undersigned, on behalf of the Plans Management Board, has executed this Amendment to be executed this \_\_\_\_ day of June, 2026.

**STATE OF DELAWARE**

By: \_\_\_\_\_,  
Chair, Plans Management Board