

## MEMORANDUM

DATE: July 28, 2009

TO: Ms. Sharon L. Summers, DSS  
Policy, Program & Development Unit

FROM: Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: 13 DE Reg. 47 [DSS Proposed Civil Rights Program & Public Relations Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSSs) proposal to amend its administrative policies published as 13 DE Reg. 47 in the July 1, 2009 issue of the Register of Regulations. Specifically, DSS maintains regulations which guarantee nondiscrimination in its programs based on several protected classes, including disability. See 16 DE Admin. Code 9004 and 1006. The Division is now proposing to delete a single regulation which covers dissemination of its civil rights policy to the public. SCPD has the following observations.

First, the Division's wholesale repeal of the entire dissemination/publication regulation merits reconsideration. Council recognizes the elimination of newspaper publication of the policy may make sense since it saves money and newspaper publication in the "legal notices" section of newspapers is not a very effective publication approach. However, the elimination of a requirement of posters in DSS service sites is objectionable since they are: 1) already required at Food Supplement program sites [16 DE Admin Code 1006.3]; 2) inexpensive; and 3) most likely to be noticed by applicants for DSS services.

Second, SCPD recommended that DSS amend its civil rights policy regulations in 2007 to require publication of the policy on the DSS website. DSS responded that it would consider that recommendation "when this section is under revision again". See 11 DE Reg. 325, 327 (September 1, 2007). Rather than repealing Section 1006.6, it would be preferable to amend it to require publication of the civil rights policy on the DSS website.

In summary, Council recommends an amendment to, rather than the repeal of, Section 1006.6 to include publication by poster and website. In addition to the practical benefit of such publication to applicants for DSS services, such publication may also assist with fulfillment of federal program

expectations that DSS will effectively publicize its non-discrimination policy.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

cc: Ms. Elaine Archangelo  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

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