DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 **Del.C.** §122)
14 **DE Admin. Code** 225

FINAL

ORDER

225 Prohibition of Discrimination

I. Summary of the Evidence and Information Submitted
Pursuant to 14 **Del.C.** §122, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 225 Prohibition of Discrimination. The Department made changes to several sections in this regulation as well as amended 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, 2025, and January 1, 2026.

The Department received one written submittal concerning the proposed regulation. The written submittal was received from the State Council for Persons with Disabilities (SCPD). The SCPD was complimentary of the Department in the revisions provided in the regulation. However, the SCPD did have two comments that the Department needs to respond to in the Final Order.

Issue: The SCPD commented regarding how the Department intends to enforce this rulemaking
Agency Response: The Department appreciates the SCPD's review of the proposed rulemaking. Upon legal review, the Department will allow the appropriate Departments to enforce any violations of related law.

Issue: The SCPD commented suggesting that the Department include a complaint structure to receive and adjudicate reports of alleged violations of this regulation.
Agency Response: The Department appreciates the SCPD's review of the proposed rulemaking. Upon review, the Department will refer complainants to the appropriate Departments that address alleged violations of discrimination.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE
The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. Findings of Facts
The Department finds that amendments to 14 **DE Admin. Code** 225 Prohibition of Discrimination are necessary due to updates made Delaware Statute. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 225 Prohibition of Discrimination beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual.*

IV. Decision to AMEND the Regulation
For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 225 Prohibition of Discrimination and to conform with the *Delaware Administrative Code Drafting and Style Manual.* Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 225 Prohibition of Discrimination is amended.

V. Text and Citation
The text of 14 **DE Admin. Code** 225 Prohibition of Discrimination is amended, and said regulation shall be cited as 14 **DE Admin. Code** 225 Diversity and Prohibition of Discrimination in the Administrative Code of Regulations for the Department.

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

IT IS SO ORDERED the 6th day of March 2026

Department of Education
Cynthia Marten, Secretary of Education

225 Diversity and Prohibition of Discrimination

1.0 Diversity in Schools

Diversity in a school community means it embraces and builds on the strengths of individual and group differences, and by so doing, enriches the educational program for all students. The curriculum is inclusive of many racial, ethnic, regional, religious, linguistic, and socioeconomic groups, gives visibility to all genders, to people of all ages, and to persons with disabilities, and affirms the richness of our pluralistic society. The Secretary of Education believes that students achieve their best in classrooms where diversity is commonplace.

2.0 Responsibilities of Schools

2.1 Each school district and charter school shall:

2.1.1 Integrate information on racial, cultural, and ethnic groups to include, but not limited to, American Indian or Alaska Native, Asian American, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, White or Caucasian throughout the K to 12 curriculum to prepare students with the knowledge and skills necessary to participate productively in a globally connected society

2.1.2 Provide professional learning to equip all teachers with effective instructional techniques and best practices.

2.1.3 Work to close gaps in student outcomes associated with the student's gender, race, ethnicity, socioeconomic status, multilingual learner status, or disability.

2.1.4 Ensure student counseling, assessment, discipline, and placement that are responsive to the needs of all student populations.

2.1.5 Provide appropriate instruction to multilingual learners so that they will have success in accessing grade level standards aligned to instruction.

2.1.6 Ensure strategies to attract and retain a highly skilled and committed faculty and staff reflective of the school community.

2.1.7 Enact measures to prevent and address inequitable and prejudicial behaviors among employees and students.

2.1.8 Ensure principals, school leaders, and building staff create an atmosphere which recognizes, accepts, and values individual and group differences as essential to a healthy learning environment.

~~1.0~~3.0 Prohibition of Discrimination

No person in the State of Delaware shall on the basis of race, color, religion, national origin, sex, sexual orientation, genetic information, marital status, disability, ~~age~~ age, or Vietnam Era veteran's status, or any other basis protected under Chapter 45 of Title 6 of the Delaware Code be unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving approval or financial assistance from or through the Delaware Department of Education.

2 DE Reg. 1246 (01/01/99)
7 DE Reg. 1178 (03/01/04)
9 DE Reg. 1069 (01/01/06)
14 DE Reg. 554 (12/01/10)

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