

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

FINAL

ORDER

225 Prohibition of Discrimination

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 225 Prohibition of Discrimination. This regulation was reviewed pursuant to the five year review cycle. The amendment includes the addition of language to be consistent with Executive Order 8. The Executive Order continues the Governor's Council on Equal Employment Opportunity, directs state agencies to pursue equal employment and promotional opportunity for all state employees and applicants, and includes a strong recruitment and retention component.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on October 4, 2010, in the form hereto attached as Exhibit "A". Comments were received from the Governor's Advisory Council for Exceptional Citizens and from the State Council for Persons with Disabilities endorsing the amendment.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 225 Prohibition of Discrimination in order to include language consistent with the Governor's Executive Order 8.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 225 Prohibition of Discrimination. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 225 Prohibition of Discrimination attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 225 Prohibition of Discrimination hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 225 Prohibition of Discrimination amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 225 Prohibition of Discrimination in the Administrative Code of Regulations for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on SBE date. The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware Register of Regulations.

IT IS SO ORDERED the 18th day of November 2010.

Department of Education

Lillian M. Lowery, Ed.D., Secretary of Education

Approved this 18th day of November 2010

225 Prohibition of Discrimination

1.0 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 or Vietnam Era veteran's status 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. 1177 (03/01/04)

9 DE Reg. 1069 (01/01/06)

14 DE Reg. 554 (12/01/10) (Final)