

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

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

### FINAL

#### REGULATORY IMPLEMENTING ORDER

#### DSSM 1006.6 Civil Rights Program and Public Relations

#### NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding administrative policies. The Department’s proceedings to amend its regulations were initiated pursuant to 29 **Delaware Code** Section 10114 and its authority as prescribed by 31 **Delaware Code** Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the July 2009 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 31, 2009 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

#### SUMMARY OF PROPOSED CHANGE

The proposed changes described below amend administrative policies in the Division of Social Services Manual (DSSM) regarding Civil Rights Program requirements.

#### Statutory Authority

- 45 CFR Part 80, Title VI of the Civil Rights Act of 1964

#### Summary of Proposed Change

**DSSM 1006.6:** The rule is being removed as part of a project to clarify and simplify the Division of Social Services (DSS) policy manual. This rule is not needed. DSS publicizes its Civil Rights Program on its application and other printed material. Posters about Civil Rights are located in every DSS office location statewide.

#### SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE AND EXPLANATION OF CHANGES

The Governor’s Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observations and recommendations summarized below. The Division of Social Services (DSS) has considered each comment and responds as follows.

First, Council would ask the Division to reconsider its wholesale repeal of the entire dissemination/publication regulation. We recognize the elimination of newspaper publication of the policy may make sense since it saves money and newspaper publication in the “legal notices” section of the newspapers is not a very effective publication approach. However, elimination of a requirement of posters in DSS service sites is objectionable since they are: 1) already required in Food Supplement sites [16 **DE Admin Code** 1006.3]; 2) inexpensive; and 3) most likely to be noticed by DSS applicants.

**Agency Response:** After consideration of your comments we are amending the policy rather than repealing it.

Second, the Councils 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.

Again, the Councils promote an amendment, rather than 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.

**Agency Response:** DSS has amended the policy to include the following statement. The DSS Civil Rights policy is available on the State website at [www.dhss.delaware.gov/dss](http://www.dhss.delaware.gov/dss).

#### FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the July 2009 *Register of Regulations* should be adopted.

**THEREFORE, IT IS ORDERED**, that the proposed regulation to amend the Division of Social Services Manual (DSSM) as it relates to administrative policies regarding the Civil Rights Program and Public Relations is adopted and shall be final effective September 10, 2009.

Rita M. Landgraf, Secretary, DHSS

#### DSS FINAL ORDER REGULATION #09-34

##### REVISION:

#### 1006.6 ~~[Civil Rights Program and Public Relations]~~ Civil Rights Program and Public Relations

~~The general public, including citizens interested in public welfare and civil rights, will be informed as widely as possible of the Civil Rights Program of the Division.~~

~~Informational releases will be given to the daily newspapers in Wilmington, and to the weekly or daily newspapers in the rest of the State. Similar information will be given to all radio stations in Delaware and, if acceptable, to the television station in Wilmington.~~

~~Organizations interested in learning more about the Civil Rights Program of the Division will be furnished speakers from the administrative staff of the Department on request to the Director.~~

~~Posters will be displayed in all offices of the Division notifying all persons that assistance and services are provided by the Division to all eligible persons without regard to race, color, national origin, sex, religious creed, age, disability, political beliefs, or retaliation. RESERVED~~

The general public, including citizens interested in public welfare and civil rights, will be informed of the Civil Rights Program of the Division. The DSS Civil Rights policy is available on the State website at [www.dhss.delaware.gov/dss](http://www.dhss.delaware.gov/dss).

Organizations interested in learning more about the Civil Rights Program of the Division will be furnished speakers from the administrative staff of the Department on request to the Director.

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11 DE Reg. 325 (09/01/07)

13 DE Reg. 407 (09/01/09) (Final)