

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

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

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

902 Gifted or Talented Education Plan

A. Type of Regulatory Action Required

New Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education seeks the consent of the State Board of Education to add 14 **DE Admin. Code** 902 Gifted or Talented Education Plan. This regulation is being created pursuant to 14 **Del.C.** §3126, which states that the extent of programs and facilities provided for children determined to be gifted or talented shall be in accordance with the rules and regulations of the Department. This regulation develops the rules and regulations relative to standards for identifying gifted or talented students, and the development, implementation and monitoring of programs for gifted or talented children. It is being republished because of feedback received related to the timing of the development and implementation of plans and whether charter schools should be subject to this requirement. The regulation has been updated to provide more time for school districts to develop and implement plans and to eliminate this requirement by regulation for charter schools. Additionally, the regulation has been revised to change the order of some of the subsections so that information about the same subject or component is grouped together. Finally, the regulation has been revised to clarify the process of identification of a gifted or talented student.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before **June 5, 2015** to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed or obtained at the Department of Education, Finance Office located at the address listed above.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The regulation is intended to improve gifted or talented students' achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The regulation is intended to continue to ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? This regulation does not specifically address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The regulation continues to ensure that all student's legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The regulation does not change the decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated does not change because of the regulation.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The regulation is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There may be a cost to school districts and charter schools for specialized training for teachers to teach specific for gifted or talented students, but schools may also utilize existing staff if qualified to teach gifted or talented students.

902 Gifted or Talented Education Plan

1.0 Purpose

The purpose of this regulation is to establish that a gifted or talented student, as identified by professionally qualified person(s), may require differentiated educational program(s) or service(s) beyond those normally provided by the regular school program in order to address the individual's capabilities.

2.0 Definitions

"Gifted or Talented Education Plan (Plan)" means a document developed by a school district for the development, implementation, and evaluation of an identification process and appropriate services for gifted or talented students.

"Gifted or Talented Student" means a student in the chronological age group four (4) through the end of the school year in which the child attains the age of 21 or until receipt of a regular high school diploma, whichever occurs first, who has been identified by a professionally qualified person(s) as meeting the following definition of gifted or talented:

A child capable of high performance with demonstrated achievement and/or potential ability in any of the following areas, singularly or in combination:

- General intellectual ability;
- Specific academic aptitude;
- Creative or productive thinking;
- Leadership ability;
- Visual and performing arts ability; or
- Psychomotor ability.

"Relative Caregiver" means, pursuant to 14 Del.C. §202 (f)(1), an adult who, by blood, marriage or adoption, is the child's great grandparent, grandparent, step grandparent, great aunt, aunt, step aunt, great uncle, uncle, step uncle, step parent, brother, sister, step brother, step sister, half brother, half sister, niece, nephew, first cousin, or first cousin once removed but who does not have legal custody or legal guardianship of the student.

3.0 Development and Components of the Plan

- 3.1 Each school district shall have a Plan for educational services for identified gifted or talented students. The Plan, at a minimum, shall:
 - 3.1.1 Outline goals and specific outcomes;
 - 3.1.2 Be developed with input from various stakeholder groups including parents;
 - 3.1.3 Provide the process for identification of gifted or talented students by professionally qualified persons;
 - 3.1.4 Outline an identification process that ensures all students have an equal opportunity to be identified and participate in the program;
 - 3.1.5 Provide for a communication process, which shall include procedures to inform parent(s), guardian(s), or Relative Caregiver(s) of a student's participation in the gifted or talented education program;
 - 3.1.6 Establish procedures for requiring that, at a minimum, each teacher assigned to teach a student identified as gifted or talented be certified in accordance with the applicable Professional Standards Board regulations.
 - 3.1.7 Establish procedures for consideration of the identification and placement of a student who was identified as gifted or talented in the school district from which the student transferred; and
 - 3.1.8 Provide for an evaluation of the Plan provided for its gifted or talented students.
- 3.2 The Plan should be provided to the Department of Education by July 1, 2016 for implementation no later than August 1, 2017 and each year thereafter.

4.0 Department of Education Responsibilities

- 4.1 The Department of Education shall maintain a resource guide of best practices, on its website, that a school district may use in the development and implementation of its Plan.
- 4.2 Each Plan shall be reviewed periodically by the Department of Education for compliance with this regulation, and any substantive changes to the Plan shall be provided for review for compliance with this regulation.