

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1572

FINAL

REGULATORY IMPLEMENTING ORDER

1572 Teacher of Students Who Are Gifted or Talented

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1572 Teacher of Students Who Are Gifted or Talented. The regulation concerns the requirements for a Teacher of Students Who Are Gifted or Talented Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding clarifying language regarding category certificates in Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of Students Who Are Gifted or Talented Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students Who Are Gifted or Talented Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of Students Who Are Gifted or Talented Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certification.

Notice of the proposed regulation was published in the *Register of Regulations* on May 1, 2020. The Professional Standards Board received a written submittal from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"), who commented that GACEC supports the proposed amendments. In addition, GACEC recommended that subsection 3.2 be clarified because it is unclear whether the conduct listed in that subsection describes the only investigations where the Department will not act on an application or if the conduct listed represents examples. GACEC further commented that the Professional Standards Board does not prescribe specific professional development for educators and it is possible that an educator with a Teacher of Students Who Are Gifted or Talented Standard Certificate will not actually participate in any professional development related to the certificate. As a result, GACEC recommended that the Department consider whether including requirements for renewal of this standard certificate is warranted. Additionally, GACEC commented that "educators of special education students, which includes the gifted and talented population, require the most capable educators available" and recommended that Section 8.0 be removed from the regulation.

II. FINDINGS OF FACTS

On June 4, 2020, the Professional Standards Board considered GACEC's written submittal. The Professional Standards Board clarified the language of subsection 3.2 in response to SCPD's and GACEC's comment. In accordance with 29 **Del.C.** §10118(c), the Professional Standards Board's Chairperson determined the changes to subsection 3.2 are not substantive and, as a result, the Professional Standards Board is not required to repropose the changes.

Additionally, the Professional Standards Board found that the proposed subsection 6.2, which provides that the Teacher of Students Who Are Gifted or Talented Standard Certificate is not renewed, is consistent with the statute concerning standard certificates. The statute, 14 **Del.C.** §1220(a), provides that the "Department shall issue a standard certificate to an applicant who . . . has acquired the prescribed knowledge, skill, or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students." 14 **Del.C.** Ch. 12 does not authorize the Department to renew a standard certificate once it has been issued, which is different from a continuing license that may be renewed for five years if an educator has completed 90 clock-hours of approved professional development (14 **Del.C.** §1212). The Professional Standards Board further found that it is in the process of obtaining recommendations from the Professional Development and Associated Compensation Committee to address the broader question of whether to change the current system for professional development in the future and that is the better approach rather than addressing the question piecemeal through individual regulations.

The Professional Standards Board found that the proposed Section 8.0, Secretary of Education Review, is an important tool that is available for all certifications by statute (14 **Del.C.** §1224).

With the exception of the non-substantive change to subsection 3.2, the Professional Standards Board determined that further changes in response to the written submittal were not necessary and voted to propose 14 **DE Admin. Code** 1572

Teacher of Students Who Are Gifted or Talented, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1572 Teacher of Students Who Are Gifted or Talented

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1572 Teacher of Students Who Are Gifted or Talented subject to the State Board of Education's approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1572 Teacher of Students Who Are Gifted or Talented attached hereto as Exhibit "A" is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1572 Teacher of Students Who Are Gifted or Talented adopted hereby shall be in the form attached hereto as Exhibit "A," and said regulation shall be cited as 14 **DE Admin. Code** 1572 Teacher of Students Who Are Gifted or Talented in the Administrative Code of Regulations for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 18th day of June, 2020.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 18th day of June, 2020.

State Board of Education

/s/ Whitney Townsend Sweeney, President

/s/ Vincent Lofink

/s/ Audrey J. Noble, Ph.D., Vice President

/s/ Provey Powell, Jr.

/s/ Nina Lou Bunting

/s/ Wali W. Rushdan, II

/s/ Candace Fifer

***Please Note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

1572 Teacher of Students Who Are Gifted or Talented

~~Non-regulatory note: Passage on an examination of content knowledge may also be required to obtain this certification. Pursuant to 14 **Del.C.** §1220 and 14 **DE Admin. Code** 1505, an examination of content knowledge is required when applicable and available. An examination of content knowledge is applicable and available when approved by the Professional Standards Board with the concurrence of the State Board of Education. See the Department of Education website for additional information.~~

1.0 Content

- 1.1 This regulation shall apply to the issuance of a ~~Standard Certificate, Teacher of Students Who Are Gifted or Talented Standard Certificate (Category)~~ pursuant to 14 **Del.C.** §1220(a), ~~for Teacher of Students Who Are Gifted or Talented (Category).~~ This certification is required in programs that are identified as specific to students who have been identified as gifted or talented through assessments and other criteria set forth by local school districts or other programs specifically identified by the Department as programs for students who are gifted or talented 14 **Del.C.** §1220(a).

- 1.1.1 This Certification is required for an Educator who is assigned to teach in a program that is specific to students who have been identified as gifted or talented as provided in 14 DE Admin. Code 902 in Delaware public schools.
- 1.1.2 This Certification is a category Standard Certificate and does not certify an Educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an Educator has met the prescribed education, knowledge, or skill to instruct a particular category of students. This Certification is limited to the category of Gifted or Talented Students.
- 1.1.3 An Educator shall hold at least one content area Standard Certificate.
- 1.2 ~~Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

12 DE Reg. 785 (12/01/08)
18 DE Reg. 566 (01/01/15)

2.0 Definitions

~~The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

The following words and terms, when used in this regulation, shall have the following meaning:

"15 Credits or the Equivalent in Professional Development" means college credits or an equivalent number of hours with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department. College credit means undergraduate or graduate level coursework and continuing education units (CEUs) completed at or through a Regionally Accredited college or university or other Department-approved provider.

"Certification" means the issuance of a Standard Certificate, which may occur regardless of a recipient's assignment or employment status.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 Del.C. Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

"Gifted or Talented Student" means the same as a "Gifted or Talented Student" as provided in 14 DE Admin. Code 902 Gifted or Talented Education Plan.

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Major or Its Equivalent" means a minimum of 30 semester hours of coursework in a particular content area.

"Passing Score" means a minimum score as established by the Standards Board, in consultation with the Department, and with the approval of the State Board of Education.

"Professional Development" means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change participants' attitudes, insights, and perspectives and ultimately results in improved professional practice. Effective professional development programs include ample opportunities for knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

"Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1201.

"Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Teacher of Students Who Are Gifted or Talented Standard Certificate as a Teacher of Students Who Are Gifted or Talented to an educator who has met the following applicant who:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; ~~or a Limited Standard, or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; 2003~~ and meets the requirements set forth in Section 4.0 of this regulation; or
 - 3.1.2 Has met the requirements ~~as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto; and for licensure and holds a Valid and Current License or Certificate in gifted or talented education or teaching gifted students.~~
 - 3.1.3 Holds a ~~Standard Certificate in a subject (content), grade level, or area; and~~
 - 3.1.4 Has ~~satisfied the additional requirements in this regulation.~~
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Teacher of Students Who Are Gifted or Talented Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the **alleged conduct involves allegations of allegations include but are not limited to conduct such as** Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials, until the applicant provides evidence of the investigation's resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

- 4.1 An educator shall also have satisfied one of the following additional education requirements:
- 4.1.1 Holding a bachelor's, master's, or doctoral degree from a regionally accredited college or university with a major or its equivalent in an area listed in 4.1.1.1 from a program approved or recognized as provided in 4.1.1.2.
 - 4.1.1.1 Approved majors
 - 4.1.1.1.1 gifted or talented education;
 - 4.1.1.1.2 teaching gifted students; or
 - 4.1.1.1.3 special education with a gifted or talented endorsement or specialization.
 - 4.1.1.2 Required Program Approval or Recognition
 - 4.1.1.2.1 National Council for the Accreditation of Teacher Education (NCATE) recognized educator preparation program; or
 - 4.1.1.2.2 The Council for the Accreditation of Educator Preparation (CAEP) specialty organization recognized educator preparation program; or
 - 4.1.1.2.3 State approved educator preparation program where the state approval body employed the appropriate standards; or
 - 4.1.2 Completion of a minimum of fifteen (15) credits or their equivalent in professional development as approved by the Department, with a focus in special education for gifted or talented students or students who are gifted or talented in the following content areas:
 - 4.1.2.1 Foundations of Giftedness, including Cultural and Socioeconomic Equity (3 credits);
 - 4.1.2.2 Curriculum Design and Instructional Strategies for Gifted Students (3 credits);
 - 4.1.2.3 Psychology of Gifted Students (3 credits);
 - 4.1.2.4 Creative and Critical Thinking Skills (3 credits); and
 - 4.1.2.5 Practicum or Internship (3 credits).
- 4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.
- 4.1.1 An applicant shall have satisfied one of the following education requirements:
 - 4.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate in specialty area of gifted and talented education from the National Board for Professional Teaching Standards; or
 - 4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a Major or Its Equivalent in gifted or talented education, teaching gifted students, or special education with a gifted or talented endorsement or specialization from an educator

- preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or
- 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach Gifted or Talented Students as provided in 14 Del.C. §§1260 – 1266; or
- 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in gifted or talented education; or
- 4.1.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 Credits or the Equivalent in Professional Development with a focus in gifted or talented education or in students who are gifted or talented in the following areas:
 - 4.1.1.5.1 Foundations of Giftedness, including Cultural and Socioeconomic Equity (3 credits);
 - 4.1.1.5.2 Curriculum Design and Instructional Strategies for Gifted Students (3 credits);
 - 4.1.1.5.3 Psychology of Gifted Students (3 credits);
 - 4.1.1.5.4 Creative and Critical Thinking Skills (3 credits); and
 - 4.1.1.5.5 Practicum or Internship (3 credits).
- 4.1.2 The applicant shall have achieved on the Praxis Subject Assessment – Gifted Education (ETS Test Code # 5358) a Passing Score of 157.

18 DE Reg. 566 (01/01/15)

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for an Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 The following documentation is required with the application for a Teacher of Students Who Are Gifted or Talented Standard Certificate:
 - 5.2.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate in specialty area of gifted and talented education from the National Board for Professional Teaching Standards, if applicable; and
 - 5.2.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.2.2.1 Electronic transcripts may be submitted by the applicant's Employing Authority or Regionally Accredited college or university.
 - 5.2.2.2 Sealed paper transcripts may be submitted by the applicant, the applicant's Employing Authority, or the applicant's Regionally Accredited college or university.
 - 5.2.2.3 The Department will not accept copies of transcripts; and
 - 5.2.3 Documents verifying successful completion of Department-approved Professional Development, if applicable; and
 - 5.2.4 An experience form, completed in full and signed by the applicant, if applicable; and
 - 5.2.5 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and
 - 5.2.6 Additional documentation as required by the Department.
- 5.3 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate in gifted or talented education or teaching gifted students, the following documentation is required in the application for a Teacher of Students Who Are Gifted or Talented Standard Certificate:
 - 5.3.1 An official copy of the Valid and Current License or Certificate; and
 - 5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

- 6.1 A Teacher of Students Who Are Gifted or Talented Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 6.2 A Teacher of Students Who Are Gifted or Talented Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Teacher of Students Who Are Gifted or Talented Standard Certificate may be limited, suspended, or revoked for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator's Teacher of Students Who Are Gifted or Talented Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Teacher of Students Who Are Gifted or Talented Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of Students Who Are Gifted or Talented Standard Certificate but whose effectiveness is documented by the local school district or charter school.

5.09.0 Past Certification Certificate Recognized

The Department shall recognize a ~~Teacher of Students Who Are Gifted and Talented~~ Standard Certificate ~~Teacher of Students who are Gifted and Talented~~ previously issued by the Department ~~or a Teacher of Students Who Are Gifted or Talented Standard Certificate issued by the Department~~ prior to the effective date of this regulation. ~~A teacher holding a Standard Certificate Teacher of Students who are Gifted and Talented shall be considered certified to instruct the particular category of students specified herein as required by this regulation.~~ An Educator holding such a Standard Certificate shall be considered certified to instruct Gifted or Talented Students.

7 DE Reg. 779 (12/01/03)

Renumbered effective 6/1/07 - see Conversion Table

12 DE Reg. 785 (12/01/08)

18 DE Reg. 566 (01/01/15)

24 DE Reg. 152 (08/01/20) (Final)