

**DEPARTMENT OF EDUCATION**  
**OFFICE OF THE SECRETARY**  
Statutory Authority: 14 Delaware Code, Section 3126 (14 **Del.C.** §3126)  
14 **DE Admin. Code** 902

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**902 Gifted or Talented Education Plan**

**I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 14 **Del.C.** § 3126, the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 902 Gifted or Talented Education Plan. This regulation is being amended to clarify the implementation process, make minor clarifications and to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on October 1, 2019, in the form hereto attached as *Exhibit "A"*. No comments were received.

**II. FINDINGS OF FACTS**

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 902 Gifted or Talented Education Plan in order to clarify the implementation process, make minor clarifications and to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 902 Gifted or Talented Education Plan. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 902 Gifted or Talented Education Plan attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 902 Gifted or Talented Education Plan 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** 902 Gifted or Talented Education Plan amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 902 Gifted or Talented Education Plan 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 November 19, 2019. 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 19<sup>th</sup> day of November 2019.

**Department of Education**

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

Approved this 19<sup>th</sup> day of November 2019

**State Board of Education**

Whitney Townsend Sweeney, President (absent)	Nina Lou Bunting
Audrey J. Noble, Ph.D., Vice President	Wali W. Rushdan, II
Candace Fifer	Provey Powell, Jr.

## 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 a professionally qualified ~~person(s)~~ person or persons, may require differentiated educational ~~program(s) or service(s)~~ programs or services 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)" or "Plan"** means a Delaware Department of Education approved document developed created 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,~~ child enrolled in a Delaware public school who has been identified by a professionally qualified ~~person(s)~~ person or persons 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)(4)(2), 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 which, 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 beginning no later than August 1, 2017~~ Implementation of the gifted or talented programs and services shall be aligned to the Plan.

### 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, but not less than every five years, 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.

**19 DE Reg. 48 (07/01/15)**

**23 DE Reg. 568 (01/01/20) (Final)**