
TITLE 14 EDUCATION
DELAWARE ADMINISTRATIVE CODE

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DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
900 Special Populations

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 or persons, may require differentiated educational programs or services beyond those normally provided by the regular school program in order to address the individual student's capabilities. The school districts' or charter schools' capacity to provide differentiated educational programs or services should also be considered as this varies between school districts and charter schools. Capacity means the way in which a school district or charter school chooses to identify its areas of giftedness and the types of services they choose to provide. A school district or charter school is not required to provide programming for all giftedness areas.

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

27 DE Reg. 672 (03/01/24)

2.0 Definitions

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

"Gifted or talented education plan" or **"plan"** means a Delaware Department of Education approved-document created by a school district or charter school for the development, implementation, and evaluation of an identification process and appropriate services for gifted or talented students.

"Gifted or talented student" means a child enrolled in a Delaware public school who has been identified by a professionally qualified person or persons as meeting the following definition of gifted or talented:

A child capable of high performance with demonstrated achievement or potential ability in any of the following giftedness 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)(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.

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

27 DE Reg. 672 (03/01/24)

3.0 Development, Components and Plan Review

3.1 Each school district or charter school shall have a plan which, at a minimum, shall:

- 3.1.1 Outline the anticipated services to be provided and giftedness areas to be covered based upon each individual district or charter school's capacity.
- 3.1.2 Outline goals and specific outcomes;
- 3.1.3 Be developed with input from various stakeholder groups including parents;
- 3.1.4 Provide the process for identification of gifted or talented students by professionally qualified persons;
- 3.1.5 Outline an identification process that includes how each district or charter identifies gifted learners and in which defined giftedness areas that ensures all students have an equal opportunity to be identified and participate in the program;
- 3.1.6 Provide for a communication process, which shall include procedures to inform parents, guardians, or relative caregivers of a student's participation in the gifted or talented education program;

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- 3.1.7 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.
- 3.1.8 Establish procedures for students who transfer into the school district or charter school who have been identified as gifted or talented in their prior school; and
- 3.1.9 Provide for an evaluation of the plan.
- 3.2 Implementation of the gifted or talented programs and services shall be aligned to the plan.
- 3.3 The Department of Education shall review each plan periodically, but not less than every 5 years for compliance with this regulation and equitable practices. If a school district or charter school makes any substantive changes to the gifted or talented education plan, the plan shall be provided to the Department of Education within 1 year of the change for review for compliance with this regulation.

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

27 DE Reg. 672 (03/01/24)

4.0 Resources

The Department of Education shall maintain a resource guide of best practices on its website that a school district or charter school may use in the development and implementation of its plan.

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

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

27 DE Reg. 672 (03/01/24)