

**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

**PROPOSED**

**PUBLIC NOTICE**

**Educational Impact Analysis Pursuant to 14 Del.C. Section 122(d)**

**1572 Teacher of Students Who Are Gifted or Talented**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board ("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.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before June 2, 2020 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to [DOEregulations.comment@doe.k12.de.us](mailto:DOEregulations.comment@doe.k12.de.us). A copy of this regulation may be viewed online at the Registrar of Regulation's website, [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml) or obtained at the Department of Education's Office of the Secretary, located at the address above.

**C. IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve student achievement as measured against state achievement standards.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help ensure that all students receive an equitable education.
3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators, not students' health and safety.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators, not students' legal rights.
5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers 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 amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.
7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.
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 amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

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

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

## 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.

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

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

### 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 Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials, until the applicant provides evidence of the investigation's resolution.

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

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

### 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)**

**23 DE Reg. 914 (05/01/20) (Prop.)**