



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

**MEMORANDUM**

DATE: December 22, 2023

TO: Department of Education, Office of the Secretary, Attn: Regulation Review

FROM: Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: PROPOSED DDOE REGULATION AMENDING 14 DE ADMIN. CODE 902  
GIFTED AND TALENTED EDUCATION PLAN, 27 DEL. REGISTER OF  
REGULATIONS 386 (DECEMBER 1, 2023)

The State Council for Persons with Disabilities (SCPD) has reviewed the proposed Delaware Department of Education's (DDOE) amendment for 14 DE Admin. Code 902 Gifted and Talented Education Plan. The proposed regulation was published as 27 DE Reg. 386 in the December 1, 2023 issue of the Register of Regulations.

The SCPD appreciates the clarification to the proposed changes but has the following comments:

- SCPD finds the definition of "capacity" to be problematic in that the regulation offers no data-based criteria for assessing what services a school or district provides.
- SCPD further finds the lack of reference for district or charter schools' plan to be problematic. A poorer district could decide its capacity is providing an enhanced gym program as its gifted education plan (as "psychomotor ability" is considered a form of giftedness), and that it need not provide any additional services to academically gifted students. This approach leads to greater inequities in districts that "have" versus districts that don't.

**The SCPD again urges the DDOE to consider how important these programs are in addressing equity and opportunity for all Delaware students.**

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendations on the proposed regulation.

cc: Ms. Marissa Band, Esquire CLASI, DLP  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council