



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Third Floor, Suite 1
410 Federal Street
Dover, Delaware 19901
302-739-3621


The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: October 25, 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 (OCTOBER 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. in the October 1, 2023, issue of the Register of Regulations.

The SCPD has the following comments:

- The proposed changes modify the language to include charter schools.
- The amended language alters the degree of obligation schools have to create a plan for gifted and talented students by changing "each school district **shall** have a plan" to "each school district or charter school **may** have a plan." This change allows schools to consider their capacity when determining what they offer.

The SCPD finds the move from mandatory to permissive language problematic. If offerings are based on capacity and resources, under-resourced schools may opt to forgo additional programming, while better resourced schools may offer additional programming.

The SCPD supports the changes to include charter schools in the requirement legislation. However, **the SCPD opposes making these programs optional**. The DDOE should consider the shift in educational research and commentary regarding lack of diversity and perpetuation of existing inequities in gifted and talented programs and therefore reconsider how the goals of these programs can address equity and opportunity.

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