

ASSEMBLY, No. 4710

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

**Assemblymen Schaer, DePhillips, Assemblywoman Jasey and
Assemblyman A.M.Bucco**

SYNOPSIS

“Strengthening Gifted and Talented Education Act”; establishes school district responsibilities in educating gifted and talented students.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2019)

1 AN ACT concerning gifted and talented students and supplementing
2 chapter 35 Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. This act shall be known and may be cited as the
8 “Strengthening Gifted and Talented Education Act.”

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10 2. As used in this act:

11 "Gifted and talented student" means a student who possesses or
12 demonstrates a high level of ability in one or more content areas
13 when compared to his chronological peers in the school district and
14 who requires modifications of his educational program if he is to
15 achieve in accordance with his capabilities.

16 "Instructional adaptation" means an adjustment or modification
17 to instruction enabling a student who is gifted and talented to
18 participate in, benefit from, and demonstrate knowledge and
19 application of the New Jersey Student Learning Standards in one or
20 more content areas at the instructional level of the student, not just
21 the student's grade level.

22

23 3. a. A board of education shall ensure that appropriate
24 instructional adaptations and educational services are provided to
25 gifted and talented students in kindergarten through grade 12 to
26 enable them to participate in, benefit from, and demonstrate
27 knowledge and application of the New Jersey Student Learning
28 Standards at the instructional level of the student.

29 b. A board of education shall:

30 (1) ensure that appropriate instructional adaptations are
31 designed for students who are gifted and talented;

32 (2) make provisions for an ongoing kindergarten through grade
33 12 identification process for gifted and talented students that
34 includes multiple measures in order to identify student strengths in
35 various academic areas. A student shall not be required to meet all
36 considered measures in order to be identified as gifted and talented.
37 To assure equal access to a continuum of gifted and talented
38 education services, the identification process shall include
39 consideration of all students, including those who are English
40 language learners and those with Individualized Education Plans or
41 504 plans;

42 (3) maintain a list of students identified as gifted and talented in
43 each grade for each school in the school district;

44 (4) develop and document appropriate curricular and
45 instructional modifications used for gifted and talented students
46 indicating content, process, products, and learning environment, and
47 including additional education activities such as academic
48 competitions, guest speakers, or lessons with a specialist. The

1 modifications shall be identified in staff and student schedules,
2 lesson and unit plans, and budgets for educational materials;

3 (5) take into consideration the Pre-K-Grade 12 Gifted
4 Programming Standards of the National Association for Gifted
5 Children in developing programs for gifted and talented students;

6 (6) provide the time and resources to develop, review, and
7 enhance instructional tools with modifications for helping gifted
8 and talented students acquire and demonstrate mastery of the
9 required knowledge and skills specified by the standards at the
10 instructional level of the student; and

11 (7) actively assist and support professional development for
12 teachers, educational services staff, and school leaders in the area of
13 gifted and talented instruction.

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15 4. a. The Commissioner of Education shall appoint a
16 coordinator for gifted and talented programs. The coordinator shall
17 be responsible for reviewing the gifted and talented programs
18 implemented in each school district to ensure compliance with the
19 provisions of this act.

20 b. Each school district shall file with the coordinator a report
21 within the first full school year following the date of enactment and
22 every three years thereafter on a schedule that coincides with the
23 school district's New Jersey Quality Single Accountability
24 Continuum review pursuant to section 11 of P.L.1975, c.212
25 (C.18A:7A-11). The report shall include, but not be limited to:

26 (1) the gifted and talented continuum of services, policies, and
27 curriculum implemented in the school district;

28 (2) the total number of students receiving gifted and talented
29 services in each grade level and the total number of students who
30 have applied for acceptance into the program. The data shall also
31 be disaggregated by race, gender, special education designation, and
32 English language learner designation, with an individual student
33 being counted only once;

34 (3) the professional development opportunities provided for
35 gifted and talented educational development; and

36 (4) the number of staff employed by the school district whose
37 job responsibilities include identification of and providing services
38 to gifted and talented students.

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40 5. a. The Commissioner of Education shall develop a protocol
41 pursuant to which an individual may submit a complaint alleging
42 that a school district is not in compliance with the provisions of this
43 act, and the executive county superintendent of schools shall
44 investigate the complaint. The protocol shall also include
45 procedures for remediating gifted and talented programs in school
46 districts found to be in noncompliance.

47 b. A complaint submitted to the executive county
48 superintendent pursuant to this section may only allege

1 noncompliance that has occurred within one year prior to the date
2 that the complaint is submitted. The complaint shall include:

3 (1) a statement that the identified school district is not in
4 compliance with the provisions of this act, and the specific facts on
5 which the allegation of noncompliance is based; and

6 (2) the name, address, and contact information of the
7 complainant.

8 c. The executive county superintendent shall complete the
9 investigation within 60 calendar days after receipt of the complaint
10 and issue a written decision with proposed remediation, if
11 necessary, to the complainant and the school district.

12
13 6. A school district shall make detailed information available
14 on its website regarding the policies and procedures used to identify
15 students as gifted and talented and the continuum of services
16 offered to gifted and talented students. The information shall
17 include the criteria used for consideration for participation in the
18 gifted and talented program, including the multiple measures used
19 in the identification process, and any applicable timelines in the
20 selection process.

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22 7. A student record shall document that the student has been
23 identified by the school district as a gifted and talented student.

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25 8. This act shall take effect in the first full school year
26 following the date of enactment.

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STATEMENT

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31 This bill is entitled the “Strengthening Gifted and Talented
32 Education Act.” The bill codifies a requirement included in State
33 Board of Education regulations that boards of education ensure that
34 appropriate instructional adaptations and educational services are
35 provided to gifted and talented students in kindergarten through
36 grade 12 to enable them to participate in, benefit from, and
37 demonstrate knowledge and application of the New Jersey Student
38 Learning Standards. Under the bill, a school district would be
39 required to:

40 • ensure that appropriate instructional adaptations are
41 designed for gifted and talented students;

42 • make provisions for an ongoing identification process for
43 gifted and talented students that includes multiple
44 measures in order to identify student strengths in various
45 academic areas;

46 • maintain a list of students identified as gifted and talented
47 in each grade for each school within the school district;

- 1 • develop and document appropriate curricular and
2 instructional modifications used for gifted and talented
3 students indicating content, process, products, and
4 learning environment;
- 5 • take into consideration the Pre-K-Grade 12 Gifted
6 Programming Standards of the National Association for
7 Gifted Children in developing programs for gifted and
8 talented students;
- 9 • provide the time and resources to develop, review, and
10 enhance instructional tools with modifications for helping
11 gifted and talented students acquire and demonstrate
12 mastery of the required knowledge and skills specified by
13 the standards in one or more content areas at the
14 instructional level of the student, not just the student's
15 grade level; and
- 16 • actively assist and support professional development for
17 teachers, educational services staff, and school leaders in
18 the area of gifted and talented instruction.

19 The bill requires the Commissioner of Education to appoint a
20 coordinator for gifted and talented programs. The coordinator will
21 be responsible for reviewing the gifted and talented program
22 implemented in each school district. School districts will be
23 required to file periodically with the coordinator a report that
24 includes: the gifted and talented continuum of services, policies and
25 curriculum implemented in the school district; the total number of
26 students receiving gifted and talented services in each grade level;
27 the total number of students who have applied for acceptance into
28 the program; the professional development opportunities provided
29 for gifted and talented educational development; and the number of
30 staff employed by the school district whose job responsibilities
31 include identification of and providing services to gifted and
32 talented students.

33 The commissioner will develop a protocol for submitting a
34 complaint alleging that a school district is not in compliance with
35 the provisions of the bill and for the executive county
36 superintendent of schools to investigate a complaint. The protocol
37 will also include procedures for remediating gifted and talented
38 programs in school districts found to be in noncompliance. The bill
39 includes the information that must be included in the complaint
40 submitted to the executive county superintendent. The executive
41 county superintendent will have 60 days to complete the
42 investigation, and then must issue a written decision to the
43 complainant and the school district. The report will also include any
44 proposed remediation.

45 The bill also requires school districts to post detailed information
46 on their websites regarding the policies and procedures used to
47 identify students as gifted and talented and the continuum of
48 services offered within the school district. The information must

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1 include the criteria used for consideration for participation in the
2 gifted and talented program, and any applicable timelines in the
3 selection process.

4 Finally, the bill provides that a student record must document
5 that the student has been identified by the school district as a gifted
6 and talented student.