

**ASSEMBLY, No. 4710**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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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, Assemblyman**

**A.M.Bucco, Assemblywoman Downey, Assemblyman Houghtaling,**

**Assemblywomen DiMaso, Reynolds-Jackson and Lopez**

**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: 5/24/2019)**

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:*

6  
7 1. This act shall be known and may be cited as the  
8 “Strengthening Gifted and Talented Education Act.”

9  
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.

14

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.

39

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.

21

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:

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- 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

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.