

[First Reprint]

**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)**

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**District 37 (Bergen)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

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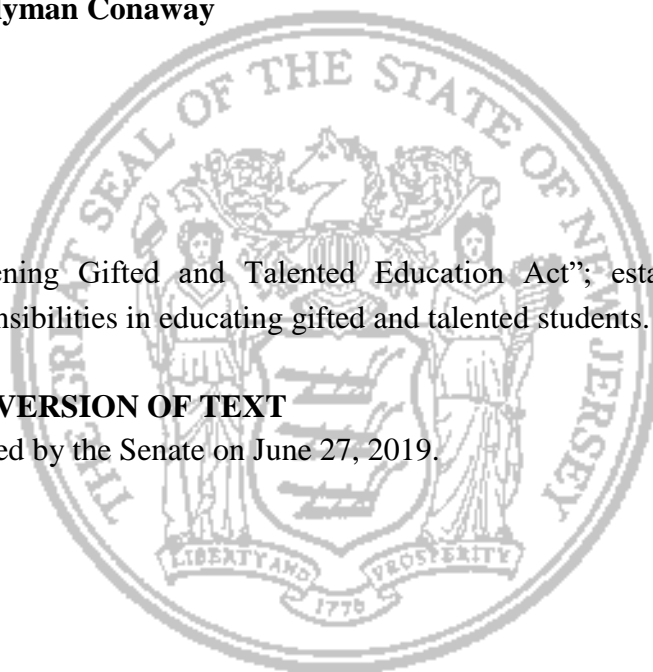
**Assemblymen Schaer, DePhillips, Assemblywoman Jasey, Assemblyman A.M.Bucco, Assemblywoman Downey, Assemblyman Houghtaling, Assemblywomen DiMaso, Reynolds-Jackson, Lopez, Senators A.R.Bucco, Gopal, Cunningham, Greenstein, Assemblywomen McKnight, Murphy and Assemblyman Conaway**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 27, 2019.



**(Sponsorship Updated As Of: 12/17/2019)**

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 <sup>1</sup>**[various]** intellectual ability, creativity, or a specific<sup>1</sup> academic  
36 area<sup>1</sup>. <sup>1</sup>**[A student shall not be required to meet all**  
37 **considered measures in order to be identified as gifted and talented.**  
38 **To assure]** School districts shall ensure<sup>1</sup> equal access to a  
39 continuum of gifted and talented education services <sup>1</sup>**[, the] . The<sup>1</sup>**  
40 identification process shall include consideration of all students,  
41 including those who are English language learners and those with  
42 Individualized Education Plans or 504 plans;

43 (3) <sup>1</sup>**[maintain a list of students identified as gifted and talented**  
44 **in each grade for each school in the school district;**

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup>Senate floor amendments adopted June 27, 2019.**

1 (4)]<sup>1</sup> develop and document appropriate curricular and  
2 instructional modifications used for gifted and talented students  
3 indicating content, process, products, and learning environment, and  
4 including <sup>1</sup>, but not limited to,<sup>1</sup> additional education activities such  
5 as academic competitions, guest speakers, <sup>1</sup>[or] and<sup>1</sup> lessons with a  
6 specialist. <sup>1</sup>[The modifications shall be identified in staff and  
7 student schedules, lesson and unit plans, and budgets for  
8 educational materials]<sup>1</sup>;

9 <sup>1</sup>[(5)] (4)<sup>1</sup> take into consideration the <sup>1</sup>[Pre-K-Grade 12]<sup>1</sup>  
10 Gifted Programming Standards <sup>1</sup>, Position Statements, and White  
11 Papers<sup>1</sup> of the National Association for Gifted Children in  
12 <sup>1</sup>[developing programs for] identifying and serving<sup>1</sup> gifted and  
13 talented students;

14 <sup>1</sup>[(6)] (5)<sup>1</sup> provide the time and resources to develop, review,  
15 and enhance instructional tools with modifications for helping  
16 gifted and talented students acquire and demonstrate mastery of the  
17 required knowledge and skills specified by the standards at the  
18 instructional level of the student; and

19 <sup>1</sup>[(7)] (6)<sup>1</sup> actively assist and support professional development  
20 for teachers, educational services staff, and school leaders in the  
21 area of gifted and talented instruction.

22

23 4. a. The Commissioner of Education shall appoint a  
24 coordinator for gifted and talented <sup>1</sup>[programs] services. The  
25 coordinator shall have teaching experience and specialized  
26 knowledge in gifted and talented education. The coordinator shall  
27 be responsible for providing support by identifying and sharing  
28 research and resources to school districts as they develop,  
29 implement, and review their local gifted and talented services<sup>1</sup>. The  
30 coordinator shall be responsible for reviewing the <sup>1</sup>information  
31 about<sup>1</sup> gifted and talented <sup>1</sup>[programs implemented in] services  
32 provided by<sup>1</sup> each school district to <sup>1</sup>[ensure compliance with]  
33 support implementation of<sup>1</sup> the provisions of this act.

34 b. Each school district shall file with the coordinator a report  
35 <sup>1</sup>[within the first full school year following the date of enactment  
36 and every three years] by October 1, 2020 and<sup>1</sup> thereafter on a  
37 schedule that coincides with the school district's New Jersey  
38 Quality Single Accountability Continuum review pursuant to  
39 section 11 of P.L.1975, c.212 (C.18A:7A-11). The report shall  
40 include, but not be limited to:

41 (1) the gifted and talented continuum of services, policies, and  
42 <sup>1</sup>[curriculum] procedures<sup>1</sup> implemented in the school district;

43 (2) the total number of students receiving gifted and talented  
44 services in each grade level <sup>1</sup>[and the total number of students who  
45 have applied for acceptance into the program. The data shall also  
46 be] kindergarten through grade 12<sup>1</sup> disaggregated by race, gender,

1 special education designation, and English language learner  
2 designation <sup>1</sup>], with an individual student being counted only  
3 once<sup>1</sup>;

4 (3) the professional development opportunities provided for  
5 teachers, educational services staff, and school leaders about<sup>1</sup>  
6 gifted and talented students, their needs, and<sup>1</sup> educational  
7 development; and

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

11

12 5. a. <sup>1</sup>][The Commissioner of Education shall develop a  
13 protocol pursuant to which an individual may submit a complaint  
14 alleging that a school district is not in compliance with the  
15 provisions of this act, and the executive county superintendent of  
16 schools shall investigate the complaint. The protocol shall also  
17 include procedures for remediating gifted and talented programs in  
18 school districts found to be in noncompliance.

19 b. A complaint submitted to the executive county  
20 superintendent pursuant to this section may only allege  
21 noncompliance that has occurred within one year prior to the date  
22 that the complaint is submitted. The complaint shall include:

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

26 (2) the name, address, and contact information of the  
27 complainant.

28 c. The executive county superintendent shall complete the  
29 investigation within 60 calendar days after receipt of the complaint  
30 and issue a written decision with proposed remediation, if  
31 necessary, to the complainant and the school district] An individual  
32 who believes that a school district has not complied with the  
33 provisions of this act may file a complaint with the board of  
34 education. The right to file a complaint shall be set forth in the  
35 board's policy on gifted and talented education. The policy shall be  
36 linked to the homepage of the board's Internet website. The board  
37 shall issue a decision, in writing, to affirm, reject, or modify the  
38 district's action in the matter.

39 b. The individual may then file a petition of appeal of the  
40 board's written decision to the Commissioner of Education through  
41 the Office of Controversies and Disputes in accordance with  
42 N.J.S.18A:6-9 and the procedures set forth in State Board of  
43 Education regulations<sup>1</sup>.

44

45 6. A school district shall make detailed information available  
46 on its website regarding the policies and procedures used to identify  
47 students as gifted and talented and the continuum of services

1 offered to gifted and talented students. The information shall  
2 include the criteria used for consideration for **1** **【participation in】**  
3 eligibility for<sup>1</sup> the gifted and talented **1** **【program】** services<sup>1</sup>,  
4 including the multiple measures used in the identification process  
5 1 to match a student's needs with services<sup>1</sup> , and any applicable  
6 timelines in the **1** **【selection】** identification<sup>1</sup> process.

7  
8 **1** **【7.A student record shall document that the student has been**  
9 **identified by the school district as a gifted and talented student.】**<sup>1</sup>

10  
11 **1** **【8.】** 7.<sup>1</sup> This act shall take effect in the **1** **【first full school year**  
12 **following the date of enactment】** 2020-2021 school year<sup>1</sup>.