

Title 18A.  
Subtitle 6.  
Part 2.  
Chapter 35.  
Article 5.(New)  
Gifted and  
Talented  
Education  
Programs  
§§1-6 -  
C.18A:35-34 to  
18A:35-39  
§7 - Note

P.L. 2019, CHAPTER 338, *approved January 13, 2020*  
Assembly, No. 4710 (*First Reprint*)

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.

**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 b. A board of education shall:

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

4 (2) make provisions for an ongoing kindergarten through grade  
5 12 identification process for gifted and talented students that  
6 includes multiple measures in order to identify student strengths in  
7 ~~1[various]~~ intellectual ability, creativity, or a specific<sup>1</sup> academic  
8 ~~1[areas]~~ area<sup>1</sup>. ~~1[A student shall not be required to meet all~~  
9 ~~considered measures in order to be identified as gifted and talented.~~  
10 ~~To assure]~~ School districts shall ensure<sup>1</sup> equal access to a  
11 continuum of gifted and talented education services ~~1[, the]~~ .The<sup>1</sup>  
12 identification process shall include consideration of all students,  
13 including those who are English language learners and those with  
14 Individualized Education Plans or 504 plans;

15 (3) ~~1[maintain a list of students identified as gifted and talented~~  
16 ~~in each grade for each school in the school district;~~

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

25 ~~1[(5)]~~ (4)<sup>1</sup> take into consideration the ~~1[Pre-K-Grade 12]~~<sup>1</sup>  
26 Gifted Programming Standards <sup>1, Position Statements, and White</sup>  
27 Papers<sup>1</sup> of the National Association for Gifted Children in  
28 ~~1[developing programs for]~~ identifying and serving<sup>1</sup> gifted and  
29 talented students;

30 ~~1[(6)]~~ (5)<sup>1</sup> provide the time and resources to develop, review,  
31 and enhance instructional tools with modifications for helping  
32 gifted and talented students acquire and demonstrate mastery of the  
33 required knowledge and skills specified by the standards at the  
34 instructional level of the student; and

35 ~~1[(7)]~~ (6)<sup>1</sup> actively assist and support professional development  
36 for teachers, educational services staff, and school leaders in the  
37 area of gifted and talented instruction.

38

39 4. a. The Commissioner of Education shall appoint a  
40 coordinator for gifted and talented ~~1[programs]~~ services. The  
41 coordinator shall have teaching experience and specialized  
42 knowledge in gifted and talented education. The coordinator shall  
43 be responsible for providing support by identifying and sharing  
44 research and resources to school districts as they develop,  
45 implement, and review their local gifted and talented services<sup>1</sup>. The  
46 coordinator shall be responsible for reviewing the <sup>1</sup>information

1 about<sup>1</sup> gifted and talented <sup>1</sup>**【**programs implemented in**】** services  
2 provided by<sup>1</sup> each school district to <sup>1</sup>**【**ensure compliance with**】**  
3 support implementation of<sup>1</sup> the provisions of this act.

4 b. Each school district shall file with the coordinator a report  
5 <sup>1</sup>**【**within the first full school year following the date of enactment  
6 and every three years**】** by October 1, 2020 and<sup>1</sup> thereafter on a  
7 schedule that coincides with the school district's New Jersey  
8 Quality Single Accountability Continuum review pursuant to  
9 section 11 of P.L.1975, c.212 (C.18A:7A-11). The report shall  
10 include, but not be limited to:

11 (1) the gifted and talented continuum of services, policies, and  
12 <sup>1</sup>**【**curriculum**】** procedures<sup>1</sup> implemented in the school district;

13 (2) the total number of students receiving gifted and talented  
14 services in each grade level <sup>1</sup>**【**and the total number of students who  
15 have applied for acceptance into the program. The data shall also  
16 be**】** kindergarten through grade 12<sup>1</sup> disaggregated by race, gender,  
17 special education designation, and English language learner  
18 designation <sup>1</sup>**【**, with an individual student being counted only  
19 once**】**<sup>1</sup>;

20 (3) the professional development opportunities provided for  
21 teachers, educational services staff, and school leaders about<sup>1</sup>  
22 gifted and talented <sup>1</sup>students, their needs, and<sup>1</sup> educational  
23 development; and

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

27

28 5. a. <sup>1</sup>**【**The Commissioner of Education shall develop a  
29 protocol pursuant to which an individual may submit a complaint  
30 alleging that a school district is not in compliance with the  
31 provisions of this act, and the executive county superintendent of  
32 schools shall investigate the complaint. The protocol shall also  
33 include procedures for remediating gifted and talented programs in  
34 school districts found to be in noncompliance.

35 b. A complaint submitted to the executive county  
36 superintendent pursuant to this section may only allege  
37 noncompliance that has occurred within one year prior to the date  
38 that the complaint is submitted. The complaint shall include:

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

42 (2) the name, address, and contact information of the  
43 complainant.

44 c. The executive county superintendent shall complete the  
45 investigation within 60 calendar days after receipt of the complaint  
46 and issue a written decision with proposed remediation, if  
47 necessary, to the complainant and the school district **】** An individual

1 who believes that a school district has not complied with the  
2 provisions of this act may file a complaint with the board of  
3 education. The right to file a complaint shall be set forth in the  
4 board's policy on gifted and talented education. The policy shall be  
5 linked to the homepage of the board's Internet website. The board  
6 shall issue a decision, in writing, to affirm, reject, or modify the  
7 district's action in the matter.

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

13  
14 6. A school district shall make detailed information available  
15 on its website regarding the policies and procedures used to identify  
16 students as gifted and talented and the continuum of services  
17 offered to gifted and talented students. The information shall  
18 include the criteria used for consideration for <sup>1</sup>**【participation in】**  
19 eligibility for<sup>1</sup> the gifted and talented <sup>1</sup>**【program】** services<sup>1</sup>,  
20 including the multiple measures used in the identification process  
21 <sup>1</sup>to match a student's needs with services<sup>1</sup> , and any applicable  
22 timelines in the <sup>1</sup>**【selection】** identification<sup>1</sup> process.

23  
24 <sup>1</sup>**【7.A student record shall document that the student has been**  
25 **identified by the school district as a gifted and talented student.】<sup>1</sup>**

26  
27 <sup>1</sup>**【8.】** 7.<sup>1</sup> This act shall take effect in the <sup>1</sup>**【first full school year**  
28 **following the date of enactment】** 2020-2021 school year<sup>1</sup>.

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32  
33 "Strengthening Gifted and Talented Education Act"; establishes  
34 school district responsibilities in educating gifted and talented  
35 students.