

CHAPTER 338

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

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

C.18A:35-34 Short title.

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

C.18A:35-35 Definitions relative to gifted and talented students.

2. As used in this act:

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

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

C.18A:35-36 Instructional adaptations, educational services for gifted and talented students.

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

b. A board of education shall:

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

(2) make provisions for an ongoing kindergarten through grade 12 identification process for gifted and talented students that includes multiple measures in order to identify student strengths in intellectual ability, creativity, or a specific academic area. School districts shall ensure equal access to a continuum of gifted and talented education services. The identification process shall include consideration of all students, including those who are English language learners and those with Individualized Education Plans or 504 plans;

(3) develop and document appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment, and including, but not limited to, additional education activities such as academic competitions, guest speakers, and lessons with a specialist;

(4) take into consideration the Gifted Programming Standards, Position Statements, and White Papers of the National Association for Gifted Children in identifying and serving gifted and talented students;

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

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

C.18A:35-37 Coordinator for gifted and talented services.

4. a. The Commissioner of Education shall appoint a coordinator for gifted and talented services. The coordinator shall have teaching experience and specialized knowledge in gifted and talented education. The coordinator shall be responsible for providing support by identifying and sharing research and resources to school districts as they develop, implement, and review their local gifted and talented services. The coordinator shall be responsible for reviewing the information about gifted and talented services provided by each school district to support implementation of the provisions of this act.

b. Each school district shall file with the coordinator a report by October 1, 2020 and thereafter on a schedule that coincides with the school district's New Jersey Quality Single Accountability Continuum review pursuant to section 11 of P.L.1975, c.212 (C.18A:7A-11). The report shall include, but not be limited to:

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

(2) the total number of students receiving gifted and talented services in each grade level kindergarten through grade 12 disaggregated by race, gender, special education designation, and English language learner designation;

(3) the professional development opportunities provided for teachers, educational services staff, and school leaders about gifted and talented students, their needs, and educational development; and

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

C.18A:35-38 Complaint for noncompliance.

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

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

C.18A:35-39 Information available on website.

6. A school district shall make detailed information available on its website regarding the policies and procedures used to identify students as gifted and talented and the continuum of services offered to gifted and talented students. The information shall include the criteria used for consideration for eligibility for the gifted and talented services, including the multiple measures used in the identification process to match a student's needs with services, and any applicable timelines in the identification process.

7. This act shall take effect in the 2020-2021 school year.

Approved January 13, 2020.