S T A T E O F N E W Y O R K

S. 1874 A. 1524

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 9, 2013

IN SENATE -- Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. THIELE, AUBRY, JAFFEE, MAISEL -- Multi-Sponsored by -- M. of A. MAGNARELLI, McDONOUGH, SWEENEY -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to teacher training in programs for gifted students; to repeal certain provisions of such law relating thereto; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3004 of the education law is amended by adding a new subdivision 7 to read as follows:

7. THE COMMISSIONER SHALL PRESCRIBE REGULATIONS REQUIRING THAT ALL PERSONS APPLYING ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION FOR A CERTIFICATE OR LICENSE VALID FOR SERVICE AS A CLASSROOM TEACHER, PUPIL PERSONNEL SERVICE PROFESSIONAL, SCHOOL ADMINISTRATOR OR SUPERVISOR OR SUPERINTENDENT OF SCHOOLS, SHALL, IN ADDITION TO ALL THE OTHER CERTIFICATION OR LICENSING REQUIREMENTS, HAVE COMPLETED THREE CREDITS OR MORE OF COURSE WORK OR TRAINING IN THE IDENTIFICATION AND EDUCATION OF GIFTED AND TALENTED PUPILS INCLUDING TWICE-EXCEPTIONAL PUPILS. "TWICE-EXCEPTIONAL" SHALL MEAN THOSE PUPILS WHO GIVE EVIDENCE OF THE POTENTIAL FOR HIGH COGNITIVE PROCESSING CAPABILITIES COMMENSURATE WITH OR CONTRARY TO COGNITIVE PROCESSING TAKEN AS NORMS OF REGULAR EDUCATION IN AREAS SUCH AS, BUT NOT LIMITED TO: SPECIFIC ACADEMICS, GENERAL INTELLECTUAL ABILITY, CREATIVITY, LEADERSHIP, AND/OR VISUAL, SPATIAL OR PERFORMING ARTS; AND ALSO GIVE EVIDENCE OF ONE OR MORE DISABILITIES AS DEFINED BY FEDERAL OR STATE ELIGIBILITY CRITERIA SUCH AS, BUT NOT LIMITED TO, SPECIFIC LEARNING DISABILITIES, SPEECH AND LANGUAGE DISORDERS, EMOTIONAL/BEHAVIORAL DISORDERS, PHYSICAL DISABILITIES, AUTISM SPECTRUM,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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OR OTHER HEALTH IMPAIRMENTS, SUCH AS ADHD. SUCH TERM SHALL INCLUDE THOSE PUPILS WHO REQUIRE EDUCATIONAL PROGRAMS OR SERVICES BEYOND THOSE NORMALLY PROVIDED BY THE REGULAR SCHOOL PROGRAM IN ORDER TO REALIZE THEIR FULL POTENTIAL. SUCH CREDIT WORK OR TRAINING SHALL BE OBTAINED FROM AN INSTITUTION OR PROVIDER WHICH HAS BEEN APPROVED BY THE DEPARTMENT TO PROVIDE SUCH COURSE WORK OR TRAINING. SUCH REGULATIONS SHALL ALSO REQUIRE THAT SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES INCLUDE TRAINING FOR TEACHERS AND OTHER CERTIFIED OR LICENSED EMPLOYEES IN IDENTIFYING GIFTED AND TALENTED, INCLUDING TWICE EXCEPTIONAL, STUDENTS IN THEIR REQUIRED PROFESSIONAL DEVELOPMENT PLANS.

S 2. Subdivision 2-b of section 3204 of the education law is REPEALED and a new subdivision 2-b is added to read as follows:

2-B. INSTRUCTION OF POSSIBLY GIFTED PUPILS. A. THE GOVERNING BOARD OF ANY SCHOOL DISTRICT AND ANY COMMUNITY SCHOOL DISTRICT IS HEREBY DIRECTED TO PROVIDE EVERY PUPIL WHO IS DIAGNOSED AS "POSSIBLY GIFTED" WITH INSTRUCTION FROM A TEACHER WHO HAS HAD APPROPRIATE TRAINING IN EDUCATING GIFTED PUPILS.

B. ALL SCHOOL DISTRICTS SHALL PROVIDE ACCELERATION OPPORTUNITIES FOR PUPILS IN GRADES ONE, THREE, FIVE AND EIGHT FOR PLACEMENT IN ACCELERATED COURSES IN THE BASIC BRANCHES OF STUDY.

S 3. Paragraph d of subdivision 5 of section 3208 of the education law is REPEALED and a new paragraph d is added to read as follows:

D. IF SUCH SCREENING INDICATES A POSSIBLY GIFTED CHILD, THE NAME AND FINDING SHALL BE REPORTED TO THE SUPERINTENDENT OF SCHOOLS OF SUCH DISTRICT AND TO THE PARENT OR GUARDIAN OF SUCH CHILD. SUCH NOTIFICATION SHALL ENTITLE THE CHILD TO INSTRUCTION FROM A TEACHER WHO HAS HAD APPROPRIATE TRAINING IN EDUCATING GIFTED PUPILS, OR ALTERNATIVE SERVICES MUTUALLY AGREEABLE TO THE SCHOOL DISTRICT AND PARENT OR GUARDIAN OF SUCH CHILD.

S 4. The sum of one million dollars ($1,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the state purposes fund, not otherwise appropriated, and made immediately available, for the sole purpose of providing training for teachers in providing education to possibly gifted, including twice-exceptional pupils in the public elementary schools. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law.

S 5. This act shall take effect on the one hundred twentieth day next succeeding the date on which it shall have become a law; provided, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date provided, however, that the amendments to section 3208 of the education law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.