

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

6989--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 18, 2009

Introduced by M. of A. THIELE, WALKER -- Multi-Sponsored by -- M. of A. BACALLES, TOBACCO -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Section 3004 of the education law is amended by adding a
2 new subdivision 7 to read as follows:
3 7. THE COMMISSIONER SHALL PRESCRIBE REGULATIONS REQUIRING THAT ALL
4 PERSONS APPLYING ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION FOR
5 A CERTIFICATE OR LICENSE VALID FOR SERVICE AS A CLASSROOM TEACHER, PUPIL
6 PERSONNEL SERVICE PROFESSIONAL, SCHOOL ADMINISTRATOR OR SUPERVISOR OR
7 SUPERINTENDENT OF SCHOOLS, SHALL, IN ADDITION TO ALL THE OTHER CERTIF-
8 ICATION OR LICENSING REQUIREMENTS, HAVE COMPLETED THREE CREDITS OR MORE
9 OF COURSE WORK OR TRAINING IN THE IDENTIFICATION AND EDUCATION OF GIFTED
10 AND TALENTED PUPILS. SUCH CREDIT WORK OR TRAINING SHALL BE OBTAINED FROM
11 AN INSTITUTION OR PROVIDER WHICH HAS BEEN APPROVED BY THE DEPARTMENT TO
12 PROVIDE SUCH COURSE WORK OR TRAINING. SUCH REGULATIONS SHALL ALSO
13 REQUIRE THAT SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL
14 SERVICES INCLUDE TRAINING FOR TEACHERS AND OTHER CERTIFIED OR LICENSED
15 EMPLOYEES IN IDENTIFYING GIFTED AND TALENTED STUDENTS IN THEIR REQUIRED
16 PROFESSIONAL DEVELOPMENT PLANS.
17 S 2. Subdivision 2-b of section 3204 of the education law is REPEALED
18 and a new subdivision 2-b is added to read as follows:
19 2-B. INSTRUCTION OF POSSIBLY GIFTED PUPILS. A. THE GOVERNING BOARD OF
20 ANY SCHOOL DISTRICT AND ANY COMMUNITY SCHOOL DISTRICT IS HEREBY DIRECTED
21 TO PROVIDE EVERY PUPIL WHO IS DIAGNOSED AS "POSSIBLY GIFTED" WITH

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

LBD03206-02-9

1 INSTRUCTION FROM A TEACHER WHO HAS HAD APPROPRIATE TRAINING IN EDUCATING
2 GIFTED PUPILS.

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

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7 is REPEALED and a new paragraph d is added to read as follows:

8 D. IF SUCH SCREENING INDICATES A POSSIBLY GIFTED CHILD, THE NAME AND
9 FINDING SHALL BE REPORTED TO THE SUPERINTENDENT OF SCHOOLS OF SUCH
10 DISTRICT AND TO THE PARENT OR GUARDIAN OF SUCH CHILD. SUCH NOTIFICATION
11 SHALL ENTITLE THE CHILD TO INSTRUCTION FROM A TEACHER WHO HAS HAD APPRO-
12 PRIATE TRAINING IN EDUCATING GIFTED PUPILS, OR ALTERNATIVE SERVICES
13 MUTUALLY AGREEABLE TO THE SCHOOL DISTRICT AND PARENT OR GUARDIAN OF SUCH
14 CHILD.

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

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