

6287

2009-2010 Regular Sessions

I N S E N A T E

November 13, 2009

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

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 Subdivision 2-b of section 3204 of the education law is REPEALED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
22 INSTRUCTION FROM A TEACHER WHO HAS HAD APPROPRIATE TRAINING IN EDUCATING
23 GIFTED PUPILS.

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

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

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5 is REPEALED and a new paragraph d is added to read as follows:

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

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

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