

5506

2011-2012 Regular Sessions

I N A S S E M B L Y

February 22, 2011

Introduced by M. of A. THIELE, JAFFEE -- Multi-Sponsored by -- M. of A. PHEFFER, SWEENEY, TOBACCO -- 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:

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 INCLUDING TWICE-EXCEPTIONAL PUPILS. "TWICE-EXCEP-
11 TIONAL" SHALL MEAN THOSE PUPILS WHO GIVE EVIDENCE OF THE POTENTIAL FOR
12 HIGH COGNITIVE PROCESSING CAPABILITIES COMMENSURATE WITH OR CONTRARY TO
13 COGNITIVE PROCESSING TAKEN AS NORMS OF REGULAR EDUCATION IN AREAS SUCH
14 AS, BUT NOT LIMITED TO: SPECIFIC ACADEMICS, GENERAL INTELLECTUAL ABILI-
15 TY, CREATIVITY, LEADERSHIP, AND/OR VISUAL, SPATIAL OR PERFORMING ARTS;
16 AND ALSO GIVE EVIDENCE OF ONE OR MORE DISABILITIES AS DEFINED BY FEDERAL
17 OR STATE ELIGIBILITY CRITERIA SUCH AS, BUT NOT LIMITED TO, SPECIFIC
18 LEARNING DISABILITIES, SPEECH AND LANGUAGE DISORDERS,
19 EMOTIONAL/BEHAVIORAL DISORDERS, PHYSICAL DISABILITIES, AUTISM SPECTRUM,
20 OR OTHER HEALTH IMPAIRMENTS, SUCH AS ADHD. SUCH TERM SHALL INCLUDE THOSE
21 PUPILS WHO REQUIRE EDUCATIONAL PROGRAMS OR SERVICES BEYOND THOSE NORMAL-
22 LY PROVIDED BY THE REGULAR SCHOOL PROGRAM IN ORDER TO REALIZE THEIR FULL
23 POTENTIAL. SUCH CREDIT WORK OR TRAINING SHALL BE OBTAINED FROM AN

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

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1 INSTITUTION OR PROVIDER WHICH HAS BEEN APPROVED BY THE DEPARTMENT TO
2 PROVIDE SUCH COURSE WORK OR TRAINING. SUCH REGULATIONS SHALL ALSO
3 REQUIRE THAT SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL
4 SERVICES INCLUDE TRAINING FOR TEACHERS AND OTHER CERTIFIED OR LICENSED
5 EMPLOYEES IN IDENTIFYING GIFTED AND TALENTED, INCLUDING TWICE EXCEP-
6 TIONAL, STUDENTS IN THEIR REQUIRED PROFESSIONAL DEVELOPMENT PLANS.

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 Subdivision 2-b of section 3204 of the education law is REPEALED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

9 2-B. INSTRUCTION OF POSSIBLY GIFTED PUPILS. A. THE GOVERNING BOARD OF
10 ANY SCHOOL DISTRICT AND ANY COMMUNITY SCHOOL DISTRICT IS HEREBY DIRECTED
11 TO PROVIDE EVERY PUPIL WHO IS DIAGNOSED AS "POSSIBLY GIFTED" WITH
12 INSTRUCTION FROM A TEACHER WHO HAS HAD APPROPRIATE TRAINING IN EDUCATING
13 GIFTED PUPILS.

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

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

19 D. IF SUCH SCREENING INDICATES A POSSIBLY GIFTED CHILD, THE NAME AND
20 FINDING SHALL BE REPORTED TO THE SUPERINTENDENT OF SCHOOLS OF SUCH
21 DISTRICT AND TO THE PARENT OR GUARDIAN OF SUCH CHILD. SUCH NOTIFICATION
22 SHALL ENTITLE THE CHILD TO INSTRUCTION FROM A TEACHER WHO HAS HAD APPRO-
23 PRIATE TRAINING IN EDUCATING GIFTED PUPILS, OR ALTERNATIVE SERVICES
24 MUTUALLY AGREEABLE TO THE SCHOOL DISTRICT AND PARENT OR GUARDIAN OF SUCH
25 CHILD.

26 S 4. The sum of one million dollars (\$1,000,000), or so much thereof
27 as may be necessary, is hereby appropriated to the department of educa-
28 tion out of any moneys in the state treasury in the general fund to the
29 credit of the state purposes fund, not otherwise appropriated, and made
30 immediately available, for the sole purpose of providing training for
31 teachers in providing education to possibly gifted, including twice-ex-
32 ceptional pupils in the public elementary schools. Such moneys shall be
33 payable on the audit and warrant of the comptroller on vouchers certi-
34 fied or approved by the commissioner of education in the manner
35 prescribed by law.

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