

# UNDERSTANDING GIFTED EDUCATION LAW IN NEW JERSEY

NJAGC Educator Toolkit Series

## Overview of the Law

Strengthening Gifted and Talented Education Act (SGTEA), N.J.S.A. 18A:35-34 to 39 (2020)  
This law affirms New Jersey's commitment to equitably identifying and serving gifted students in every district. Districts must:



- Provide ongoing, comprehensive, K–12 gifted programming aligned with student needs.
- Develop a local gifted education plan outlining identification, services, and supports.
- Use multiple measures in identification.
- Train educators and administrators on gifted learner characteristics and instructional strategies.
- Monitor, evaluate, and report program data annually to ensure compliance.
- Communicate clearly with families about procedures, timelines, and appeal processes.

## Identification Requirements

Identification must be **fair, inclusive, ongoing, and strengths-based**. Districts must recognize both performance and potential.

### Core Legal Requirements:



- Identify gifted students K–12, with a flexible, continuous process.
- Use multiple measures from different categories (quantitative + qualitative).
- Use local norms—compare students to peers within the district or building
- Provide multiple entry points throughout the year.
- Ensure **universal access**, including for:
  - Multilingual Learners
  - Students from low-SES backgrounds
  - Students with IEPs or 504 plans
  - Twice-exceptional (2e) learners
  - Students with interrupted or limited formal education

## What Multiple Measures Can Include



- Ability/aptitude assessments (e.g., CogAT, NNAT)
- Above-grade-level, domain-specific assessments with high ceilings
- Achievement data (e.g., MAP, i-Ready, Star)
- Work samples and portfolios
- Teacher, parent, or peer referrals
- Observations of creativity, leadership, or problem-solving

## Important



- No single test should be used to exclude a student.
- Provide for an ongoing K-12 identification process.
- The identification process must look for strengths, not deficits.
- 2e students must receive accommodations in the identification process.
- Use tools that are culturally responsive and appropriate for multilingual learners (e.g., nonverbal measures, native language communications).
- Identification is not the end; it determines what type of instruction the student needs.
- **Students should be matched to services based on strengths in: Intellectual ability, Creativity, Specific academic domains, Visual/performing arts (if part of district programming)**

## Program Requirements (Services)

Once a student is identified, districts must provide services that:



- Occur during the school day (not optional or after-school).
- They are ongoing, not one-time events.
- They are aligned to the student's instructional level, not just grade level.
- Use flexible models, including but not limited to:
  - Cluster grouping
  - Acceleration (subject or grade)
  - Enrichment units or projects
  - Pull-out or push-in support
  - Independent study or mentorship
- **Gifted services must evolve as student needs change—no one-size-fits-all approach.**

## Transparency Requirements

Districts must clearly post on their public website:



- Identification policies and procedures
- Eligibility criteria and process used to match students to services
- Timelines
- Description of continuum of services
- Appeal and complaint processes
- Contact information for the gifted program administrator

## Advocating for Your Students

Advocacy is collaborative and rooted in student needs. Educators can:



- Know the law and use it to inform conversations with administrators and families.
- Collect and share evidence of student readiness, such as advanced work samples or data.
- Build a shared understanding with families through open, respectful communication.
- Encourage colleagues to participate in professional learning about gifted learners.
- Advocate for equitable identification practices, including universal screening and local norms.
- Connect with NJAGC and professional networks to stay informed and strengthen advocacy efforts.

## Resources for Educators (links)

### NJAGC

- Workshops, webinars, conferences, and advocacy updates
- Professional learning on identification, programming, strategies, and evaluation

### NJDOE

- Training sessions and state guidance

### NAGC

- Gifted Program Standards: Assessment
- Position Statements
- Framing Papers



[Find your local consortia HERE!](#)