

UNDERSTANDING GIFTED EDUCATION LAW IN NEW JERSEY

Parent & Family Toolkit Series

Overview of Gifted Education Law in New Jersey



The Strengthening Gifted and Talented Education Act (SGTEA), signed into law in January 2020, is New Jersey's key legislation that defines statewide requirements for gifted education. It mandates that all public school districts identify and provide appropriate services for gifted and talented students. This law, passed thanks to advocacy by NJAGC's State Advocacy Committee, ensures that districts have consistent expectations and accountability for recognizing and supporting gifted learners across the state.

Who does the law apply to?

The SGTEA applies to all New Jersey public school districts, including charter schools, and requires them to identify and serve gifted students in grades K–12. Preschool students are not currently covered.

Identification & Screening



Schools in New Jersey must make provisions for an ongoing kindergarten through 12th grade identification process. They are required to use multiple types of assessments to find gifted students. Districts should consider a student's specific ability, achievement, or creativity. No single test should be used to exclude a student from services or programs.

To ensure every district can recognize its own gifted and talented students fairly, identification must be based on **local norms**. This means that each district compares students' performance to that of other students in the same district, not to students statewide or nationally. Using local norms helps districts with different achievement or ability levels identify advanced learners in their own setting. In this way, every district—no matter its size or demographics—can find and support gifted and talented students.

All students must have a fair chance to be screened, including multilingual learners and twice-exceptional students with IEPs or 504 plans, who may need testing accommodations. **Twice-exceptional (2e) students** are those who are gifted but also have a disability, such as a learning disability, ADHD, or autism.

Program Requirements



Once a student is identified as needing gifted services, the school must **provide services that match the child's specific strengths** — for example, a student performing above grade level in Math should receive advanced support in Math. These services must meet the student at **their instructional level, not just their grade level** — meaning they should be challenged and taught where they are, even if that's beyond what classmates are doing.

Gifted and talented services should be ongoing and built into the regular school day. Because every gifted child is different, services must be individualized, not one-size-fits-all.

About the Tests Used



An **ability test** measures a child's potential to think and learn in complex ways — for example, through verbal, quantitative, or nonverbal reasoning. Examples might include the CogAT or NNAT (Naglieri) or other cognitive assessments. An **achievement test**, on the other hand, measures what a child has already learned in school, such as reading or math. Examples might include the Star, iReady or MAP.

It's important that the tests used for gifted identification are normed to go beyond grade-level expectations, meaning they have a high ceiling. This allows students to show skills and knowledge that may be above grade level. While districts may choose which assessments they use, they should use **more than one measure**, and these measures **should not all be the same type of assessment** (e.g. achievement only).

Transparency & Communication



As per the SGTEA, every district must share clear information about its gifted and talented program on its website. The information posted must explain how students are screened and identified, including the steps and criteria used. It should also outline when the screening process happens during the year and give a basic description of the services and curriculum offered to gifted students.

If you believe your district is not following the SGTEA requirements (this is called being “out of compliance”), the district is required to have a complaint process specifically for its gifted and talented services. This process must be on the district's website and should explain how to report concerns and request that the district address them.

There is a difference between making a formal complaint that your district is not in compliance with the law and your right to ask questions about why your child may not have been identified for services. These questions should be addressed at the building level, and you have every right to question the decision.

If You Have Questions about an Identification Decision



If you're unsure whether your child has been screened for gifted services, it's absolutely okay to ask. A great first step is to check your school or district's website. As mentioned earlier, it should have information about how students are identified, the tools they use and the timeline for screening. If you can't find this information, or if you still have questions, reach out to your child's teacher or the school's gifted coordinator. In some cases, your child's teacher may not have all the answers. You can always follow up with the building principal to get the full picture.

If you're concerned about your child's gifted identification or services, it's important to go into any school meeting well-prepared. Start by **putting your concerns in writing**, such as in an email, and ask for any testing or screening results ahead of time. Reviewing this information in advance helps you participate more confidently and effectively in the discussion. After the meeting, consider sending a quick email to summarize what was discussed and any agreed-upon next steps. Keeping a **written record of communication** is helpful if you need to follow up or continue the conversation at a higher level.

What to Do if You Believe the District Isn't Following the Law



If you have concerns about whether your child has been identified properly or about the services they're receiving, start by raising the issue with school staff directly.

If your concerns aren't resolved through informal conversations, you can follow the district's formal complaint process up to the Board of Education. If the matter remains unresolved after the Board's decision, families may appeal to the New Jersey Commissioner of Education **within 90 days** of that decision.

In most cases, parents and schools can work together to address questions or concerns. However, there are times when parents and families may need to advocate more firmly to ensure the district is following the law and providing the appropriate support for gifted students.

Resources



New Jersey Association for Gifted Children (NJAGC):
www.njagc.org

NJAGC hosts a **Parent & Family Group** that meets **virtually twice a month** to discuss topics related to supporting gifted and twice exceptional learners, share resources, and build community among families. To learn more and receive meeting invitations, **sign up here:** [NJAGC Parent & Family Group](#)

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