

Is it legal to deprive gifted students of access to an appropriate education?

By: Tanya Das, Mount Laurel

Is the right to education a privilege that protects students? This question stems from the Equal Protection Clause of the 14th Amendment which grants every person equal rights and protection of the laws. Education enjoys the overarching effect of this clause and preserves **equal opportunities for all students to access free appropriate public education from their states and districts**. The jurisdiction of the Equal Protection Clause must assure that gifted students are not denied basic rights of progressive education in all of New Jersey's public schools. All students deserve equal chances to pursue their dreams.

One group of students, who may or may not have been identified as gifted students, are constantly deprived of their rights to equal educational opportunity and progress in their learning. I stand here as the voice for this group of students - each and every one of the gifted students in the state of New Jersey.

The key to achieving one's life dream is the educational foundation laid in childhood. Education allows opportunities to unlock one's full potential, to soar to unimaginable heights. It gives the freedom to pursue passions. That's why it's so important that public school education, which educates the majority of America's future, **be equal and nurturing for every single child in this country**. Every child has the right to have equal opportunities, which is not the same as identical services. As you may remember, I testified here to the New Jersey State Board of Education in May 2017, and since then the only change was to diminish the two points on The **Quality Single Accountability Continuum (QSAC)**, which monitors local districts every three years by the BOE. Clustering gifted education with other special needs without protection of the law will generate new problems if content is the only consideration. I have had teachers who were subject experts but knew nothing about how to teach advanced learners or about our needs. How we learn is as important as what we learn, but our teachers do not understand this because they have never been trained in gifted education.

A recent federal case of *Andrew F. v. Douglas County School Dist.* RE-1 15-827 580 U. S. ____ (2017) involved the Individuals with Disabilities Education Act. The Supreme Court supported the right of a young autistic boy who was barely making progress with the school's IEP to be placed at a higher level. School districts must identify students with disabilities and create Individualized Education Plans which ensure some progress in the student's academic achievement. My testimony at the NJ BOE was nearly parallel to the plea Andrew's parents made to the court, but for the children like me who frequently start school each September having previously mastered the required grade level content, or who are able to consume the needed skills and information in a much faster way than age level

peers. Our state and federal government dedicates countless hours and dollars to assure educational opportunities and equality for the physically or mentally disabled, but what about the needs of the gifted?

From my personal experience, I spent 8 years of my life in the public school system and not on a single day of the 1440 days that I spent in general education classes with teachers not trained to meet my special needs, did I receive the appropriate methods or material to learn and grow. I waste my time at school being presented material I already know as proven by my November SAT score of 800 in Math and 760 in English, and my PARCC results of a perfect 850 in Math and Language Arts for the past 2 years. My scores are not being used to modify instruction for me using my proven mastery of the subjects being taught in school because my teachers have no training in teaching gifted students. The top student performers attend public schools, and like the case of Andrew, we barely make progress from year to year - only those who can afford to supplement their school instruction with advanced work outside of school progress. Is this only a privilege for the rich? What about top performers in poverty or in districts only focused on remediation? We yearn for opportunities to advance our education, yet our lack of learning in school is ignored. There are opportunities for the average student, and for the disabled and struggling, but what about us? That's why I believe the next step to enforcing equality, giving all equal protection under the laws, will be providing equal opportunities for the gifted as well. It is the right of every child, including the gifted child, to be protected by the law.

The NJ State Board of Education must heed the countless voices that are raised in the agony of boredom in classrooms across the state and weave policies to ensure that these needs are addressed. Leadership from the Board of Education to every local district is required. Since you are now revising the administrative code, the school laws, why don't you improve the laws for gifted education like other states have? Don't these thousands of gifted kids in NJ matter?

Is it not a matter of urgency for BOE to address pleas of students like me? We are asking for basic human rights as citizens of the United States to achieve the ethos of our American Dream.