

**§39.116**

**25 CFR Ch. I (4–1–07 Edition)**

- (1) A teacher or other school staff;
  - (2) Another student;
  - (3) A community member;
  - (4) A parent or legal guardian; or
  - (5) The student himself or herself.
- (b) Students can be nominated based on information regarding the student's abilities from any of the following sources:
- (1) Collections of work;
  - (2) Audio/visual tapes;
  - (3) School grades;
  - (4) Judgment of work by qualified individuals knowledgeable about the student's performances (*e.g.*, artists, musicians, poets, historians, etc.);
  - (5) Interviews or observations; or
  - (6) Information from other sources.
- (c) The school must have written parental consent to collect documentation of gifts and talents under paragraph (b) of this section.

**§39.116 How does a school determine who receives gifted and talented services?**

- (a) To determine who receives gifted and talented funding, the school must use qualified professionals to perform a multi-disciplinary assessment. The assessment may include the examination of work samples or performance appropriate to the area under consideration. The school must have the parent or guardian's written permission to conduct individual assessments or evaluations. Assessments under this section must meet the following standards:
- (1) The assessment must use assessment instruments specified in §39.114 for each of the five criteria for which the student is nominated;
  - (2) If the assessment uses a multi-criteria evaluation, that evaluation must be an unbiased evaluation based on student needs and abilities;
  - (3) Indicators for visual and performing arts and leadership may be determined based on national, regional, or local criteria; and
  - (4) The assessment may use student portfolios.
- (b) A multi-disciplinary team will review the assessment results to determine eligibility for gifted and talented services. The purpose of the team is to determine eligibility and placement to receive gifted and talented services.

- (1) Team members may include nominator, classroom teacher, qualified professional who conducted the assessment, local experts as needed, and other appropriate personnel such as the principal and/or a counselor.
- (2) A minimum of three team members is required to determine eligibility.
- (3) The team will design a specific education plan to provide gifted and talented services related in the areas identified.

**§39.117 How does a school provide gifted and talented services for a student?**

- Gifted and talented services are provided through or under the supervision of highly qualified professional teachers. To provide gifted and talented services for a student, a school must take the steps in this section.
- (a) The multi-disciplinary team formed under §39.116(b) will sign a statement of agreement for placement of services based on documentation reviewed.
  - (b) The student's parent or guardian must give written permission for the student to participate.
  - (c) The school must develop a specific education plan that contains:
    - (1) The date of placement;
    - (2) The date services will begin;
    - (3) The criterion from §39.114 for which the student is receiving services and the student's performance level;
    - (4) Measurable goals and objectives; and
    - (5) A list of staff responsible for each service that the school is providing.

**§39.118 How does a student receive gifted and talented services in subsequent years?**

- For each student receiving gifted and talented services, the school must conduct a yearly evaluation of progress, file timely progress reports, and update the specific education plan.
- (a) If a school identifies a student as gifted and talented based on §39.114 (a), (b), or (c), then the student does not need to reapply for the gifted and talented program. However, the student must be reevaluated at least every 3 years through the 10th grade to verify eligibility for funding.