§ 4452. Guidelines and definition. 1. In order to provide for educational programs to meet special needs of gifted pupils, the commissioner is hereby authorized to make recommendations to school districts in accordance with the provisions of this subdivision and section thirty-six hundred two of this chapter.

a. As used in this article, the term "gifted pupils" shall mean those pupils who show evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those pupils who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

b. Prior to payment of state funds for education of gifted pupils, a school district shall submit to the commissioner a summary plan for the identification and education of gifted pupils. The plan shall be in form and content as prescribed by the commissioner.

c. Upon acceptance by a local school district of the apportionments made under section thirty-six hundred two of this chapter such district shall use such funding in accordance with guidelines to be established by the commissioner for services to gifted pupils. Such services shall include but not be limited to identification, instructional programs, planning, inservice education and program evaluation. A board of education may contract with another district or board of cooperative educational services to provide the program and/or services with the approval of the commissioner under guidelines established by the commissioner.

d. The identification of pupils for participation in gifted programs funded under this chapter shall commence through the referral of a parent, teacher, or administrator.

e. Upon referral of a pupil for participation in a gifted program funded under this chapter, the school district shall so inform the parent or guardian of such pupil's referral and shall seek their

approval to administer diagnostic tests or other evaluation mechanisms related to the program objectives of the district in order to determine eligibility for participation in such gifted program. Failing to receive approval, the child shall not be tested, evaluated or participate in the program. In no case shall the parent, guardian or pupil be charged a fee for the administration of such diagnostic tests or other evaluation mechanisms.

f. The parent or guardian of a pupil designated as gifted shall be informed by the local school authorities of the pupil's placement in such gifted program funded under this chapter.

2. The commissioner shall establish procedures for evaluation of the quality and educational effectiveness of programs for gifted pupils.