



Regulations for Gifted Education Programs

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Regulations for Gifted Education Programs

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PURPOSE

The Mississippi Gifted Education Act of 1989, as amended in 1993, mandates that each public school district within the state provide gifted education programs for intellectually gifted students in grades 2-6. All local public school districts may have gifted education programs for intellectually gifted students in grades 7-12, artistically gifted students in grades 2-12, creatively gifted students in grades 2-12, and/or academically gifted students in grades 9-12.

The purpose of the *2013 Regulations for the Gifted Education Programs in Mississippi* is to ensure that gifted children who demonstrate unusually high potential as described in the preceding definitions are identified and offered an appropriate education based upon their exceptional abilities. Because of their unusual capabilities, they require uniquely qualitatively different educational experiences not available in the regular classroom. These uniquely different programs are required to enable gifted students to realize their abilities and potential contributions to self and society.

STATE DEFINITIONS

“Intellectually gifted children” shall mean those children and youth who are found to have an exceptionally high degree of intelligence as documented through the identification process. The needs of these students should be addressed based on the program options provided in the *Outcomes for Intellectually Gifted Education Programs Grades 2-8 in Mississippi*.

“Academically gifted children” shall mean those children and youth who are found to have an exceptionally high degree of demonstrated academic ability as documented through the identification process.

“Artistically gifted children” shall mean those children and youth who are found to have an exceptionally high degree of creativity and an exceptionally high degree of ability in the visual arts as documented through the identification process.

“Creatively gifted children” shall mean those children and youth who are found to have an exceptionally high degree of creativity and an exceptionally high degree of ability in the performing arts as documented through the identification process.

“Gifted Education Programs (GEP)” shall mean special programs of instruction for intellectually gifted children in grades 2-12, academically gifted children in grades 9-12, artistically gifted children in grades 2-12, and/or creatively gifted children in grades 2-12 in the public elementary and secondary schools of this state. Such programs shall be designed to meet the individual needs of gifted children and shall be in addition to and different from the regular program of instruction provided by the district.

STUDENT IDENTIFICATION PROCESSES

The student identification processes are separated into six stages for each of the four different eligibility categories: intellectually, artistically, and creatively gifted for students in grades 2-12, and academically gifted for students in grades 9-12. The six stages are: referral, LSC review of referral data, parental permission for testing, assessment, assessment report, and the LSC eligibility determination stage. When the district is developing identification procedures, the following shall be considered:

The identification process shall consist of a combination of subjective and objective measures to determine eligibility for the gifted programs. No single evaluation method or instrument adequately identifies students who are gifted. Thus, a multi-factored identification process must be followed to ensure a fair evaluation of each individual student.

The identification process shall provide an equitable opportunity for the inclusion of students with an emerging potential for gifted – students who are culturally diverse, underachieving, disabled under the Individuals with Disabilities Education Act (IDEA) guidelines, physically handicapped, ADD/ADHD, as well as students who exhibit classroom behavior such as extreme shyness, short attention spans, disruptiveness, continual questioning, and anxiety. Throughout the identification process, close attention and careful consideration shall be paid to all information available and collected on each individual student and how that information dictates the kinds of instruments and measures that should be used to correctly assess that student.

All instruments and measures administered must have been validated for the specific purpose for which they are being used. Hearing, vision, and general physical examinations are suggested but are not required.

Identification as gifted in one area does not automatically make a student eligible for services in one or more of the other areas of giftedness in Mississippi. However, a student with an intellectually gifted eligibility ruling may be served in an academically gifted program in grades 9-12 without obtaining an academically gifted eligibility ruling. Since not all intellectually gifted students are also academically gifted, and since many intellectually gifted students are not high academic achievers in all academic areas, careful consideration shall be given as to the appropriate placement in the academically gifted program. The academically gifted program shall consist of courses only in grades 9-12 deemed “gifted” by the MDE. Any district offering academically gifted courses should also offer comparable courses for students who are not gifted eligible.

Out-of-state gifted eligibilities

Each state has a unique set of eligibility criteria for placement in a gifted program. Hence, a student moving to Mississippi with a gifted eligibility from another state must satisfy Mississippi eligibility criteria before being considered for placement in the gifted program. The eligibility ruling from another state may be used to initiate the referral process in Mississippi. There is no temporary placement in the gifted program while the student goes through the eligibility process within the local district.

NOTE: Students who have a valid Mississippi gifted eligibility ruling do not have to be reevaluated. See the annual reassessment statement for information on continued placement in a gifted program. A Mississippi eligibility determination in any of the four areas shall be accepted by all school districts within state provided the district has a program in the particular area for which the student has eligibility.

PROCEDURAL SAFEGUARDS

All data collected as part of the identification process are protected by the Family Educational Rights and Privacy Act (FERPA). Parents must be notified of their rights under FERPA. It is the obligation of the local district to ensure that parents understand these rights. All information/data collected as part of the identification process shall be placed in an individual eligibility file for each student. These files and the information contained therein shall not be placed in the student's cumulative record folder. The files shall be maintained in a separate locked storage facility/file cabinet, and access to the information shall be restricted to those personnel working directly with the identification process, working directly in the gifted education program, or that have a documented need to know.

Once the referral process begins, parents must be informed of the information/data that is collected. Parents shall have access to these records. Each district shall have a policy that establishes the process that parents shall adhere to when requesting to access these files. Parents shall be made aware of their rights to an explanation of the results of the Assessment Team Report.

LOCAL SURVEY COMMITTEE (LSC)

Each district shall establish a Local Survey Committee (LSC) for the GEP. The LSC shall be involved in determining a student's eligibility for an intellectually gifted, artistically gifted, creatively gifted, and/or academically gifted program. The LSC shall include, but is not limited to, gifted education teachers and administrators. It may include regular education teachers, school psychologists or psychometrists, and parents. It should include a special education teacher when a student is being considered for an eligibility under the twice-exceptional criteria. The LSC may be a building level committee which is responsible for students enrolled at that school, a district level committee which is responsible for students enrolled in the entire district, or a combination of the two.

IDENTIFICATION OF INTELLECTUALLY GIFTED STUDENTS

NOTE: Throughout the identification process, district personnel shall be careful to select measures that target the student's strengths.

STAGE 1: REFERRAL

There are two types of gifted referral processes:

- Type One - Mass Screening Referral Process addresses those students who are mass screened for gifted eligibility.
- Type Two - Individual Referral Process addresses those students who are individually referred for gifted eligibility.

Mass Screening Referral Process

This process requires all Mississippi districts to screen all students in at least one grade level each year. Districts should use a normed group measure of intelligence in the Mass Screening Referral Process. This process should assist in identifying students in underrepresented populations. Students who obtain a full-scale score at or above the 90th percentile on the normed group measure of intelligence shall move forward in the referral process. Students who scored at or above the 85th percentile but lower than the 90th percentile on the normed group measure of intelligence shall be subjected to an Emerging Potential for Gifted Referral Checklist. If these students meet the criteria on the checklist, they shall move forward in the referral process.

The next step in the process will consist of the collection of substantiated student data obtained through the use of other objective and subjective measures. District personnel shall make decisions as to which measures will be used during this step of the Mass Screening Referral Process. A student shall satisfy two of the following additional criteria before moving forward to the LSC Review of Referral Data Stage:

1. a score at or above the superior range on a normed published characteristics of giftedness checklist,
2. a score at or above the superior range on a normed published measure of creativity,
3. a score at or above the superior range on a normed published measure of leadership,
4. a score at or above the 90th percentile on total language, total math, total reading, total science, total social studies, or the composite on a normed achievement test,
5. a score at or above the 90th percentile on a normed measure of cognitive ability,
6. a score at or above the 90th percentile on an existing measure of individual intelligence that has been administered within the past twelve months, and/or
7. other measures that are documented in the research on identification of intellectually gifted students.

Individual Referral Process

This process involves students who are individually referred for gifted eligibility. A student may be referred by a parent, teacher, counselor, administrator, peer, self, or anyone else having reason to believe that the student might be intellectually gifted. The person initiating the referral shall sign the referral form and date it. Once the student is referred, the district personnel shall collect the data required to satisfy the referral criteria. Once a referral form has been initiated, signed, and dated, only the LSC or parents can stop the identification process. Students participating in the Individual Referral Process shall satisfy three of the following criteria before moving forward to the LSC Review of Referral Data Stage:

1. a score at or above the 90th percentile on a group measure of intelligence that has been administered within the past twelve months,

2. a score at or above the superior range on a normed published characteristics of giftedness checklist,
3. a score at or above the superior range on a normed published measure of creativity,
4. a score at or above the superior range on a normed published measure of leadership,
5. a score at or above the 90th percentile on total language, total math, total reading, total science, total social studies, or the composite on a normed achievement test,
6. a score at or above the 90th percentile on a normed measure of cognitive ability,
7. a score at or above the 90th percentile on an existing measure of individual intelligence that has been administered within the past twelve months, and/or
8. other measures that are documented in the research on identification of intellectually gifted students.

Documentation of measures shall be maintained in a written document approved by the local school board indicating that the district is using the state minimal scale/percentile score criteria on all referral measures. This document shall be distributed to district administrators, school counselors, and teachers and shall be available to parents at each school site.

NOTE: Any student who does not meet the minimum acceptable criteria (score in the 90th percentile) on the normed group measure of intelligence during the Mass Screening Referral Process and does not qualify for the Emerging Potential for Gifted criteria, can be referred by anyone for the Individual Referral for Screening Process. The individually referred student shall not be excluded from the referral process by their performance on the normed group measure of intelligence administered during the Mass Screening Referral Process.

STAGE 2: LSC REVIEW OF REFERRAL DATA

Once the referral data have been collected, the LSC shall review all data and make one of the following recommendations:

1. the student has satisfied minimal criteria on at least three measures and should move forward to the assessment stage, or
2. the student has not satisfied minimal criteria on at least three measures, however, the LSC feels strongly that additional data should be collected and the student reconsidered at that time, or
3. the student has not satisfied minimal criteria on at least three measures and the identification process should stop.

Provisions for Emerging Potential for Gifted Populations

At this point the LSC shall make the decision as to the possibility that the student could be eligible for consideration as a candidate for an emerging potential for gifted assessment. If it is believed that the student might have emerging gifted potential, then the Emerging Potential for Intellectually Gifted Assessment Checklist should be completed for possible use during the assessment process. The Emerging Potential for Gifted category makes provisions for certain factors that exist that may put the student at a disadvantage when inappropriate instruments are used during the assessment process.

STAGE 3: PARENTAL PERMISSION FOR TESTING

At this time, district personnel shall obtain written parental permission for testing. District personnel shall also notify parents in writing about their rights under FERPA.

STAGE 4: ASSESSMENT

Once the LSC has determined that a student has satisfied minimal referral criteria in order to move forward to the assessment stage, district personnel shall review and compile all data available on the student. This data shall also be made available to a licensed examiner.

The assessment stage is the individual test of intelligence, which shall be administered by a licensed examiner. In no case will the examiner be related to the student being tested. The examiner shall review all available data on the student, whether or not it satisfies minimal identification criteria, and use that information to select the most appropriate test of intelligence. Standard operating procedures should be followed during the selection and administration of all assessments as reflected in the examiner's manuals. The examiner shall provide a signed and dated report of the test administration to include testing conditions, scores on all subtests or subscales, and the strengths and weaknesses of the student. A student must score at or above the 91st percentile composite/full scale or the 91st percentile on approved subtests (as per publisher) in order to satisfy eligibility criteria.

District personnel shall make decisions as to whether the minimal acceptable criteria set in regulations will be used, or if a higher minimal acceptable criteria will be used. The assessment criteria and acceptable minimal scale/percentile scores to be used shall be documented in writing in the district's Gifted Education Program Proposal submitted to and approved by the Office of Curriculum and Instruction at the MDE. If a district decides to raise its minimal acceptable scale/percentile score for gifted eligibility above the state minimum scale/percentile score, justification shall be provided to the MDE in writing. Included in the justification must be documentation that the district continuously addresses the Emerging Potential for Gifted guidelines as outlined in the regulations.

Emerging Potential for Gifted

Students who have satisfied criteria on the Emerging Potential for Gifted Checklist who did not satisfy minimal acceptable criteria on an individual test of intelligence, but, did score at least at the 84th percentile or have a scale score that falls within the range of the 90th percentile confidence interval of the state minimum scale/percentile score, may be administered one of the following additional measures to determine eligibility:

1. A test of cognitive abilities with a minimal score at the 90th percentile,
2. A group intelligence measure with a minimal score at the 90th percentile, or
3. A district-developed matrix approved by the MDE.

Identification criteria, as approved by the MDE on the local district's Gifted Education Program Proposal, must be satisfied for a student to be ruled eligible by the LSC for the intellectually gifted education program.

Potentially Twice-Exceptional Students

Students who already have an eligibility ruling under IDEA and are being assessed for an intellectually gifted eligibility, and who did not satisfy all of the required minimal acceptable referral criteria but did meet at least one referral criterion shall have their results reviewed by the LSC and a licensed examiner. If the student scores at or above the 91st percentile on the

individual test of intelligence (composite score or approved subtest score) or in the opinion of the reviewing committee, would benefit from participation in the intellectually gifted program, the student may be granted a provisional eligibility for the intellectually gifted program for a period of one year. At the end of that year, the student's teacher of the gifted shall meet with the review committee to discuss the student's performance in the program. If the student has demonstrated success in the program, the LSC shall change the eligibility status from provisional to regular eligibility. If the student has not been successful in the program, the provisional eligibility shall be revoked.

STAGE 5: ASSESSMENT REPORT

District personnel shall write an Assessment Report, which must contain the following components:

1. Student's name,
2. Name of at least three measures from Stage 1: Referral that were used to determine the need to administer an individual test of intelligence,
3. Results of each measure,
4. Name of individual who administered or completed each measure and the date administered or completed,
5. Test behaviors for any individually administered test(s),
6. Interpretation of the results of each individually administered test(s),
7. Name of the person who administered the individual test of intelligence and date test was administered,
8. Qualifications of the individual who administered the individual test of intelligence,
9. Results of the individual test of intelligence to include scores on all subtests and, identified strengths and weaknesses,
10. Name of the person responsible for writing the Assessment Report, his/her signature, and position, and
11. Date of the Assessment Report.

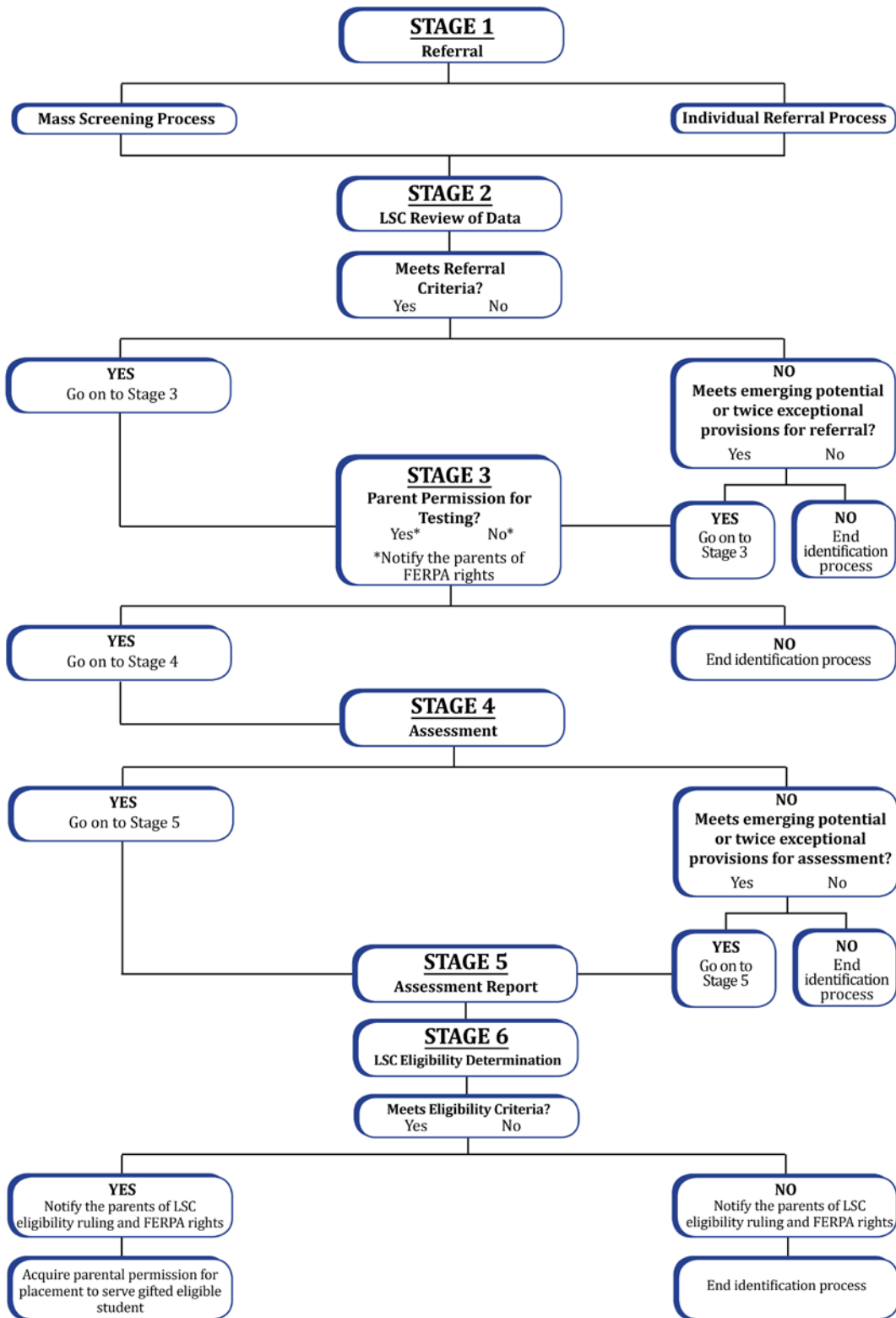
STAGE 6: LSC ELIGIBILITY DETERMINATION

Once the Assessment Report is finalized, the LSC shall meet to review all data and determine if eligibility criteria have or have not been satisfied. The LSC shall rule that the student is or is not eligible for the intellectually gifted program.

Parental Notification

District personnel shall notify in writing the parents of each student tested for the intellectually gifted program about the assessment results. District personnel shall offer to explain any of the results about which the parents have questions. District personnel shall also notify parents in writing about their rights under FERPA.

SCHEMATIC OF IDENTIFICATION PROCESS FOR INTELLECTUALLY GIFTED STUDENTS



IDENTIFICATION OF ACADEMICALLY GIFTED STUDENTS

NOTE: Throughout the identification process, district personnel shall be careful to select measures that target the student's strengths.

STAGE 1: REFERRAL

Students who are rising ninth graders through rising twelfth graders may be referred by a teacher, parent, peer, self, or any other person having reason to believe that the student might be academically gifted. The person initiating the referral shall sign and date the referral form.

District personnel shall collect the data required to satisfy the district's referral criteria. Only the LSC can stop the identification process once a referral form has been signed and dated.

Referral Criteria

A student shall satisfy at least two of the following criteria before moving to the assessment process:

1. Grade history of A's and B's in the pertinent academic area,
2. Portfolio of the student's work indicating outstanding capabilities in the pertinent academic area (evaluated using a rubric),
3. Group or individual intelligence test administered within the last twelve months,
4. Group or individual achievement test score(s) in the pertinent academic area (individual achievement test must have been administered within the last twelve months), or
5. Other demonstrated achievement and/or potential abilities (with prior approval of the MDE).

Each district shall establish the local minimal acceptable criteria on each measure used at this stage. Documentation of the measures and minimal acceptable criteria for each shall be maintained in a written document and approved by the local school board. This document shall be distributed to district administrators, school counselors, and teachers, and shall be available to parents at each school site.

STAGE 2: LSC REVIEW OF REFERRAL DATA

Once the referral data has been collected, the LSC shall review all data and make one of the following recommendations:

1. The student has satisfied minimal criteria on at least two of the measures stage, and should move forward to the assessment,
2. The student has not satisfied minimal criteria on at least two measures; however, the LSC feels strongly that additional data should be collected and the student reconsidered at that time, or
3. The student has not satisfied minimal criteria on at least two measures, and the identification process should stop.

STAGE 3: PARENTAL PERMISSION FOR TESTING

At this time, district personnel shall obtain written parental permission for testing. District personnel shall also notify parents in writing about their rights under FERPA.

STAGE 4: ASSESSMENT

Once the LSC has determined that the student should move forward to the assessment stage, district personnel shall review all data available before deciding which measures are most appropriate to be used during assessment. After reviewing the information available, district personnel shall collect measures from at least two of the following assessment criteria. A student shall satisfy minimal state criteria on at least two of these measures.

Assessment Criteria

1. A score at or above the 90th percentile on the total score in the pertinent academic area on a norm-referenced achievement test,
2. A score at or above the 90th percentile in the pertinent academic area on a norm-referenced individual achievement test, or
3. A portfolio of the student's work demonstrating outstanding achievement in the pertinent academic area over a period of at least six months. The portfolio shall be evaluated using a rubric approved by the MDE.

STAGE 5: ASSESSMENT REPORT

District personnel shall write an assessment report, which must contain the following components:

1. Student's name,
2. Name of each measure used and date administered or completed,
3. Results of each measure,
4. Test behaviors for any individually administered test(s),
5. Name and credentials of individual who administered any individual test(s),
6. Interpretation of any individually administered test(s),
7. Name of the person responsible for writing the Assessment Report, his/her signature and date, and
8. The date of the Assessment Report.

STAGE 6: LSC ELIGIBILITY RULING

The LSC shall meet to review all data to determine if eligibility criteria has or has not been satisfied. The LSC shall rule that the student is or is not eligible for the academically gifted program.

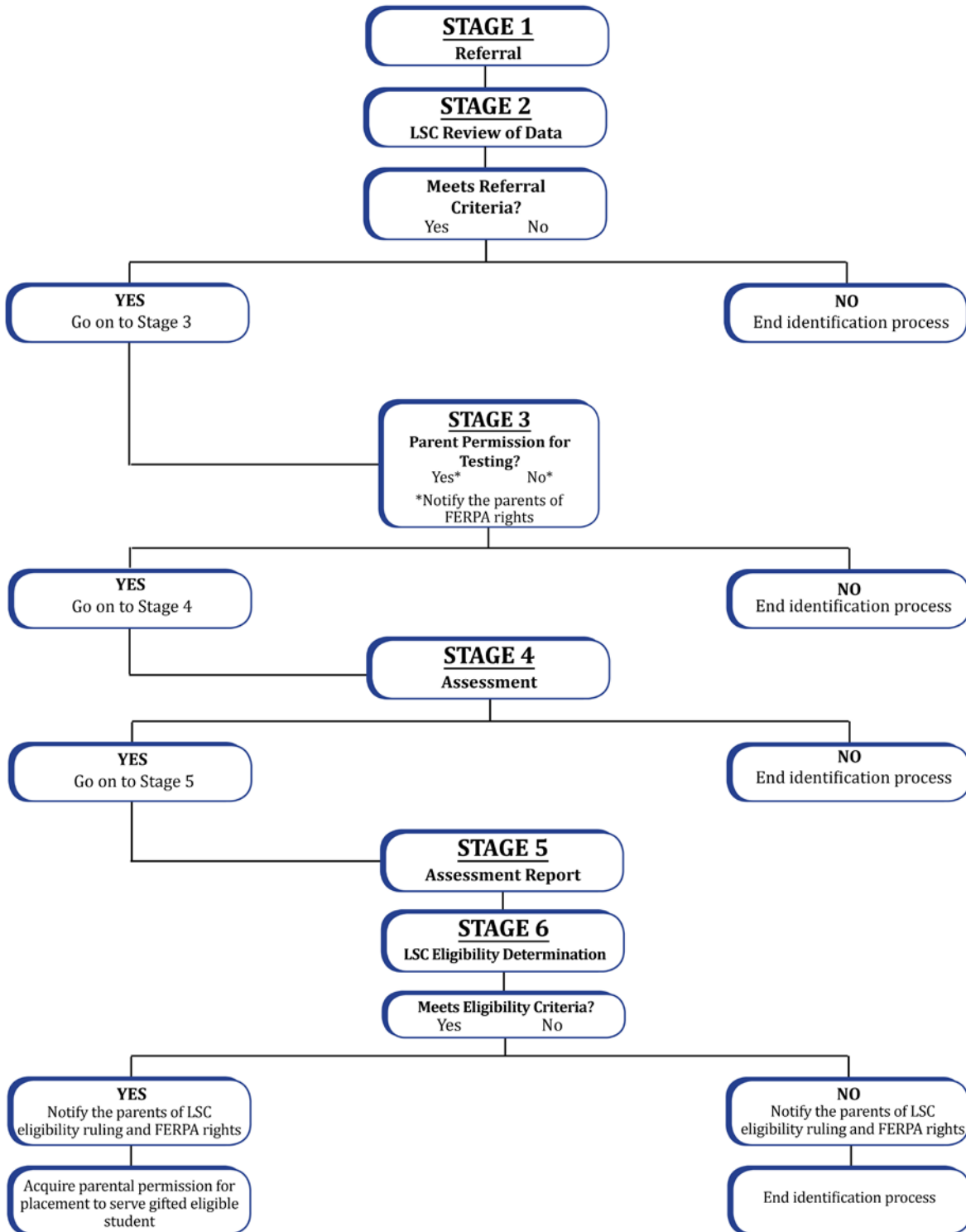
NOTE: Once a student has been ruled eligible for the academically gifted program, additional eligibilities are not required to provide services in academic areas other than the area of the original eligibility ruling. However, careful consideration shall be given as to the probability of the student being successful in additional areas.

A student with an intellectually gifted eligibility ruling does not need to have an academically gifted ruling to be served in an academically gifted program. Since not all intellectually gifted students are also academically gifted, available data shall be reviewed to determine the probability that the student will be successful in the academic placement.

Parental Notification

District personnel shall notify in writing the parents of each student tested for the academically gifted program about the assessment results. District personnel shall offer to explain any of the results about which the parents have questions. District shall also notify parents in writing about their rights under FERPA.

SCHEMATIC OF IDENTIFICATION PROCESS FOR ACADEMICALLY GIFTED STUDENTS



IDENTIFICATION OF ARTISTICALLY GIFTED STUDENTS

STAGE 1: REFERRAL

A student may be referred by a teacher, administrator, counselor, parent, peer, self, or any other person having reason to believe that the student may be artistically gifted. The person initiating the referral shall sign and date the referral form. District personnel shall collect the data required to satisfy the district's referral criteria. Only the LSC can stop the identification process once a referral form has been signed and dated.

Referral Criteria

A statement is required from an individual with documented expertise in the visual arts indicating that the student is in the top 10% of age peers in ability in the visual arts and has an exceptionally high degree of creativity, plus one of the following:

1. Published checklist of creativity or norm-referenced test of creativity,
2. Published checklist of characteristics for the visual arts or a published test of ability in the visual arts,
3. Individual accomplishment in the visual arts such as recognition at the state level or above,
4. Portfolio of the student's work evaluated using a rubric, or
5. Other indicators of an exceptionally high degree of ability in the visual arts (with prior approval of the MDE).

Each district shall establish the local minimal acceptable criteria on each measure used at this stage. Documentation of the measures and minimal acceptable criteria for each shall be maintained in a written document and approved by the local school board. This document shall be distributed to district administrators, school counselors, and teachers, and shall be available to parents at each school site.

STAGE 2: LSC REVIEW OF REFERRAL DATA

Once the referral data has been collected, the LSC shall review all data and make one of the following recommendations:

1. The student has satisfied minimal criteria and should move forward to the assessment stage,
2. The student has not satisfied the minimal criteria. However, the LSC feels strongly that additional data should be collected and the student reconsidered at that time, or
3. The student has not satisfied minimal criteria, and the identification process should stop.

STAGE 3: PARENTAL PERMISSION FOR TESTING

At this time, district personnel shall obtain written parental permission for testing. District personnel shall also notify parents in writing about their rights under FERPA.

STAGE 4: ASSESSMENT

Once the LSC has determined that the student should move forward to the assessment stage, district personnel shall review all available data before deciding which measures are most appropriate to be used during assessment. District personnel shall collect measures from at least

two of the assessment criteria noted below. At least one of the criteria shall be a measure of creativity. A student shall satisfy minimal acceptable criteria on the measures used.

Assessment Criteria

1. Published checklist of creativity with a score in at least the superior range, or a published test of creativity with a score in at least the superior range,
2. Published checklist of characteristics for the visual arts with a score in at least the superior range, or a published test of ability in the visual arts with a score in at least the superior range, or
3. Portfolio of the student's work (all components of the portfolio shall be the individual efforts of the student and completed during the past twelve months) evaluated using a rubric (with prior approval by the MDE) by an individual who derives his/her main source of income from working in the visual arts area and who certifies in writing that the student has an exceptionally high degree of creativity and ability in the visual arts which places them in the top 5% of their age peers in that visual arts area.

Individual Audition

If the student has satisfied minimal criteria as outlined above, the student shall successfully complete an individual live audition before a Panel of Experts. There must be at least three experts on the panel with no more than one being an employee of the district. The teacher in the program may not be a member of the panel. All members of the panel shall meet the following criteria:

1. Possess an advanced degree in the appropriate visual arts area or
2. Derive their main source of income from working in the appropriate visual arts area.

The district shall maintain written documentation confirming the qualifications of each member of the panel. The members of the panel shall observe the student performing in the appropriate visual arts area. The evaluation of the panel shall be performed simultaneously, independently, and without discussion of the results. Each member of the panel will complete a rubric (with prior approval by the MDE) and sign a statement certifying that they find that the student has an exceptionally high degree of creativity and exceptionally high ability in the visual arts that places them in the top 5% of age peers.

STAGE 5: ASSESSMENT REPORT

District personnel shall write an Assessment Report which must contain the following components:

1. Student's name,
2. Names of at least two measures, including the scores on each measure, that were used to determine that the student satisfied minimal acceptable assessment criteria,
3. Individual audition summary,
4. Date that each measure was administered or completed,
5. Completed rubric signed and dated by each member of the panel,
6. Signed statement by each member of the panel certifying the student's creativity and ability in the visual arts, and,
7. Name of the person responsible for writing the Assessment Report, signature and position, and date of the Assessment Report.

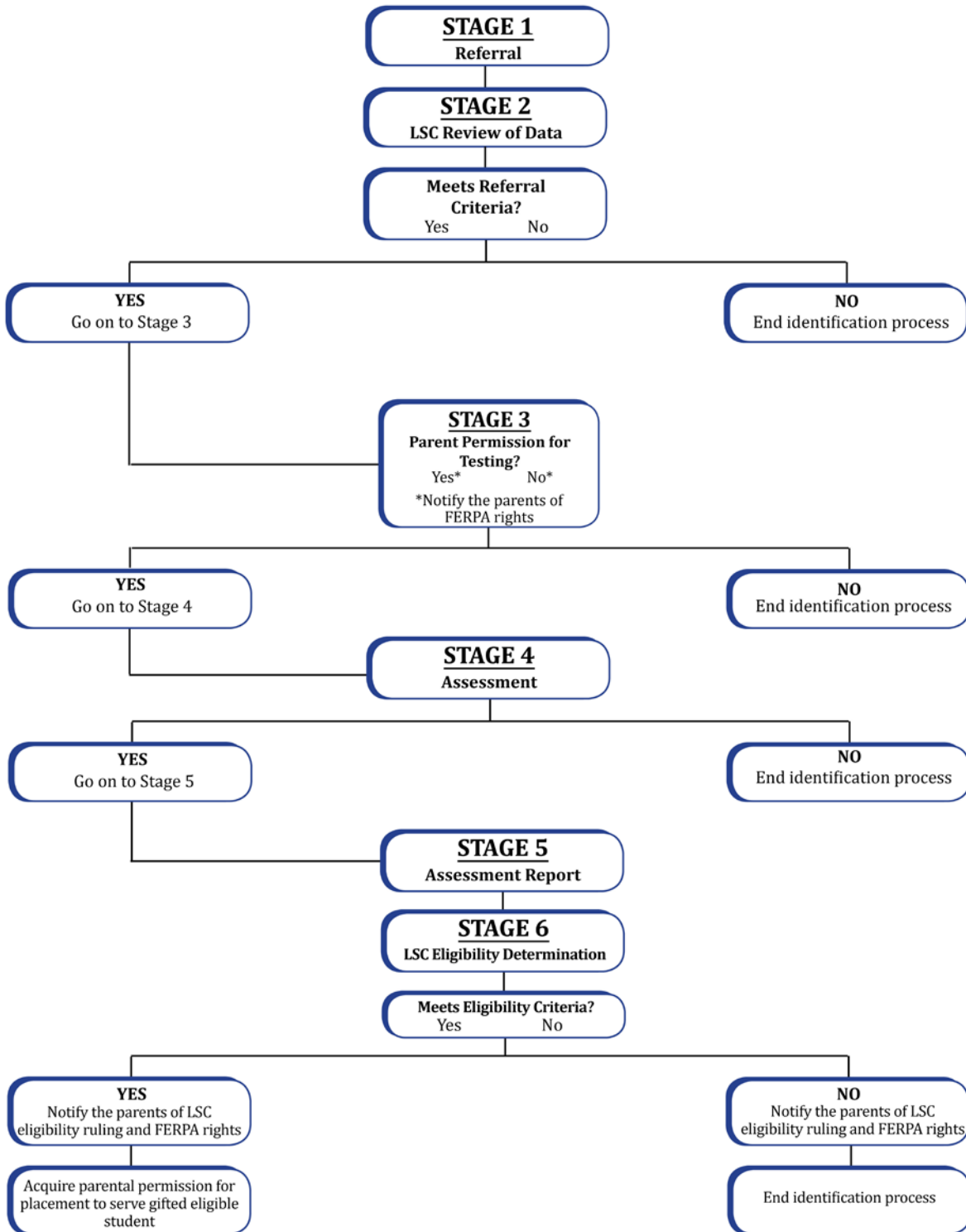
STAGE 6: LSC ELIGIBILITY DETERMINATION

Once the Assessment Report is finalized, the LSC shall meet and review all data and determine if eligibility criteria has or has not been satisfied. The LSC shall rule that the student is or is not eligible for the artistically gifted program.

Parental Notification

District personnel shall notify in writing the parents of each student tested for the artistically gifted program about the assessment results. District personnel shall offer to explain any of the results about which the parents have questions. District personnel shall also notify parents in writing about their rights under FERPA.

SCHEMATIC OF IDENTIFICATION PROCESS FOR ARTISTICALLY GIFTED STUDENTS



IDENTIFICATION OF CREATIVELY GIFTED STUDENTS

STAGE 1: REFERRAL

A student may be referred by a teacher, administrator, counselor, parent, peer, self, or any other person having reason to believe that the student may be creatively gifted. The person initiating the referral shall sign and date the referral form. District personnel shall collect the data required to satisfy the district's referral criteria. Only the LSC can stop the identification process once a referral has been signed.

Referral Criteria

A statement is required from an individual with documented expertise in the performing arts indicating that the student is in the top 10% of age peers in ability in the performing arts and has an exceptionally high degree of creativity, and one of the following:

1. Published checklist of creativity or a published test of creativity,
2. Published checklist of characteristics in the performing arts or a published test of ability in the performing arts,
3. Individual accomplishment in the performing arts such as recognition at the state level or above,
4. Videotape of the student's performance in the performing arts evaluated using a rubric, or
5. Other indicators of an exceptionally high degree of ability in the performing arts (with prior approval of the MDE).

Each district shall establish the local minimal acceptable criteria on each measure used at this stage. Documentation of the measures and minimal acceptable criteria for each shall be maintained in a written document and approved by the local school board. This document shall be distributed to district administrators, school counselors, and teachers, and shall be available to parents at each school site.

STAGE 2: LSC REVIEW OF REFERRAL DATA

Once the referral data has been collected, the LSC shall review all data and make one of the following recommendations:

1. The student has satisfied minimal criteria and should move forward to the assessment stage,
2. The student has not satisfied minimal criteria. However, the LSC feels strongly that additional data should be collected and the student reconsidered at that time, or
3. The student has not satisfied minimal criteria, and the identification process should stop.

STAGE 3: PARENTAL PERMISSION FOR TESTING

At this time, district personnel shall obtain written parental permission for testing. District personnel shall also notify parents in writing about their rights under FERPA.

STAGE 4: ASSESSMENT

Once the LSC has determined that the student should move forward to the assessment phase, district personnel shall review all available data before deciding which measures are most appropriate to be used during assessment. District personnel shall collect measures from at least two of the categories of assessment measures. At least one of the measures shall be a measure of creativity. A student shall satisfy minimal acceptable criteria on the measures used.

Assessment Criteria

1. Published checklist of creativity with a score in at least the superior range, or a published test of creativity with a score in at least the superior range,
2. Published checklist of characteristics for performing arts with a score in at least the superior range, or a published test of ability in the performing arts with a score in at least the superior range, or
3. Videotape of the student's performance (must have been taped within the past twelve months) evaluated using a rubric (with prior approval by the MDE) by an individual who derives their main source of income from working in the pertinent performing arts area and who certifies in writing that the student has an exceptionally high degree of creativity and ability in the performing arts which places them in the top 5% of age peers.

Individual Audition

If the student has satisfied the minimal criteria as outlined above, the student shall successfully complete an individual live audition before a Panel of Experts. There must be at least three experts on the panel with no more than one being an employee of the district. The teacher in the program may not be a member of the panel. All members of the panel shall meet the following criteria:

1. Possess an advanced degree in the appropriate performing arts area or
2. Derive main source of income from working in the appropriate performing arts area.

The district shall maintain written documentation confirming the qualifications of each member of the panel. The members of the panel shall observe a live performance by the student in the appropriate performing arts area. The evaluation of the panel shall be conducted simultaneously, independently, and without discussion of the results. Each member of the panel will complete a rubric (with prior approval of the MDE) and sign a statement that they find that the student has an exceptionally high degree of creativity and an exceptionally high ability in the performing arts that places them in the top 5% of age peers.

STAGE 5: ASSESSMENT REPORT

District personnel shall write an Assessment Report which must contain the following components.

1. Student's name,
2. Name of at least two measures, with the score on each measure, that were used to determine that the student satisfied minimal acceptable assessment criteria,
3. Individual audition summary,
4. Date that each measure was administered or completed,
5. Completed rubric signed and dated by each member of the panel,
6. Signed statement by each member of the panel certifying the student's creativity and ability in the performing arts,
7. Name of person responsible for writing the Assessment Report, signature and position, and
8. Date of the Assessment Report.

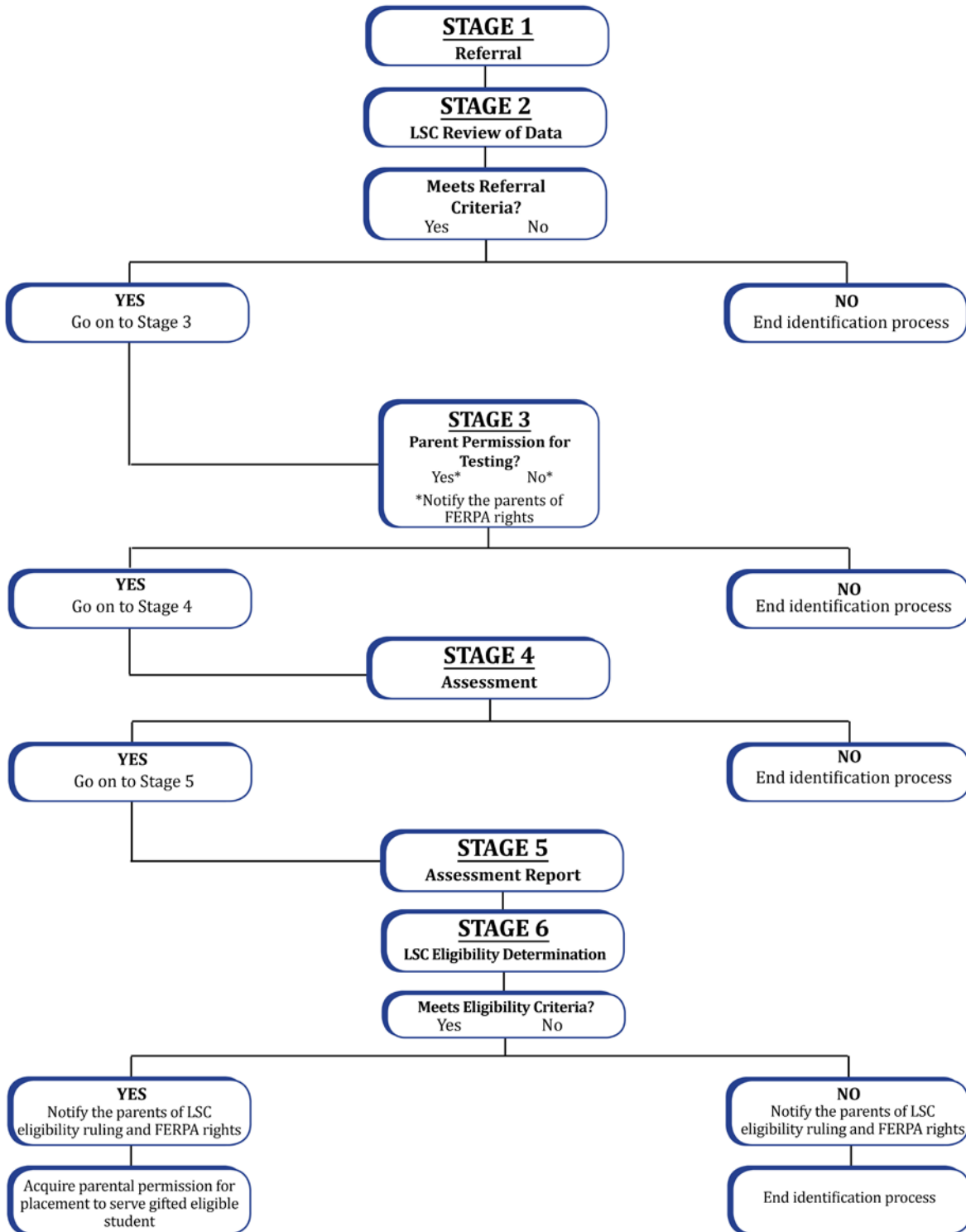
STAGE 6: LSC ELIGIBILITY DETERMINATION

Once the Assessment Report is finished, the LSC shall meet and review all data and determine if eligibility criteria has or has not been satisfied. The LSC shall rule that the student is or is not eligible for the creatively gifted program.

Parental Notification

District personnel shall notify in writing the parents of each student tested for the creatively gifted program about the assessment results. District personnel shall offer to explain any of the results about which the parents have questions. District personnel shall offer to explain any of the results that parents have questions about. District personnel shall also notify parents in writing about their rights under FERPA.

SCHEMATIC OF IDENTIFICATION PROCESS FOR CREATIVELY GIFTED STUDENTS



PARENTAL PERMISSION FOR PLACEMENT

After a student has been ruled eligible for one of the gifted programs, written parental permission for placement shall be obtained before the student is placed in the program.

ANNUAL REASSESSMENT

A committee shall meet at least annually to reassess each gifted student's continuation in the gifted program. The committee must include at least the student's teacher of the gifted and a designated administrative representative. Documentation of the meeting must be maintained and must include the name(s) of the student(s) discussed, a list of the committee members present, and the date of the meeting. Since participation in the gifted program is an entitlement under law, students should remain in the gifted program as long as they are being successful in the program. Grades and/or success in the regular education program is the responsibility of the regular classroom teachers and should not be considered as a reason for removal from the gifted program. Should the committee determine that a student should exit the program due to lack of progress in the program and/or unsatisfactory participation in the program, the student's parents must be notified and given the opportunity to discuss the decision with the committee before the student is removed. Should the parents not agree to the removal of the student from the program, the local district shall grant the parents a hearing. Each local school district should have a policy in place as to how this hearing will be conducted and how the lack of agreement will be resolved.

MISSION/PHILOSOPHY STATEMENT

Each district shall have on file a written Mission/Philosophy Statement with accompanying goals and objectives. This statement shall be available to administrators, teachers, and counselors, and available to parents at the school site.

INSTRUCTIONAL MANAGEMENT PLAN (IMP)

Each local school district shall have a written IMP for the intellectually gifted program and for all other gifted programs (academically gifted, artistically gifted, and/or creatively gifted) that the district offers. The IMP shall include, at a minimum, the following components:

1. District mission/philosophy statement, including goals and objectives;
2. The components of the Mississippi Gifted Education Program Standards:
 - a. Differentiated activities,
 - b. Scope and sequence of program process skills (outcomes),
 - c. Career exploration and life skills,
 - d. Exposure to and appreciation for the visual and performing arts,
 - e. In-class counseling/guidance for gifted students,
 - f. Socio-emotional needs of gifted students,
 - g. Affective needs of gifted students, and
 - h. Needs of gifted at-risk students; and
3. Program outcomes for the specific gifted program(s) offered.

PROGRAMMING OPTIONS

INTELLECTUALLY GIFTED PULL-OUT (GRADES 2-8)

A group of all intellectually gifted students is provided services by a properly endorsed teacher in a self-contained room for a recommended 300 minutes per week, or a minimum of 240 minutes per week. The activities in the gifted class should develop and enhance the process skills in the outcomes document, the teaching strategies notebook, and required components of the gifted program standards document. Some of the activities should be short-term exploratory activities that introduce students to ideas and concepts not normally covered in the regular education program. The activities should enhance the integration of advanced content and individual student's interests utilizing higher-level thinking skills, creative problem solving, critical thinking skills, research skills, personal growth and human relations exercises, leadership skills, and creative expression. Activities should also create an appreciation for the multicultural composition of the school and community.

INTELLECTUALLY GIFTED (GRADES 9-12)

Intellectually gifted students in grades 9-12 may be served in an academically gifted program. They may also be served in an enrichment pull-out program like the one for intellectually gifted students in grades 2-8. They shall be provided these services by a properly licensed teacher holding a gifted endorsement. The class shall satisfy time requirements for a Carnegie Unit course.

ACADEMICALLY GIFTED (GRADES 9-12 ONLY)

The Mississippi Gifted Education Act of 1989 requires that the GEP shall be in addition to and different from the regular program of instruction. Not all academic classes have been approved for the academically gifted program. Local district personnel should reference the gifted section in the *Approved Courses for the Secondary Schools of Mississippi* to determine if a course may be taught as part of an academically gifted program. The IMP for the course must show how it is in addition to and different from the same course if it were taught in the regular education program. Teachers shall have a valid teaching license in the appropriate secondary area and the gifted endorsement. The class shall satisfy time requirements for a Carnegie Unit Course.

ARTISTICALLY OR CREATIVELY GIFTED PULL-OUT (GRADES 2-8)

Artistically gifted or creatively gifted students are provided services by a properly endorsed teacher in a self-contained classroom for a recommended 300 minutes per week, or a minimum of 240 minutes per week. The activities should develop and enhance the process skills in the outcomes document and the integration of advanced content and individual students' interest. Activities should also create an appreciation for the multicultural composition of the school and community. The IMP must show how the activities are in addition to and different from classes in the visual/performing arts if they were taught in the regular education program.

ARTISTICALLY OR CREATIVELY GIFTED (GRADES 9-12)

Artistically gifted or creatively gifted students shall be provided courses appropriate to their eligibility ruling. Local district personnel should reference the gifted section in the *Approved Courses for the Secondary Schools of Mississippi* to determine if a course may be taught as a part

of an artistically gifted or creatively gifted program. The IMP for the program must show how it is in addition to and different from the same course if it were taught in the regular education program. The teacher shall have a valid teaching license in the appropriate secondary area and the gifted endorsement. The district may elect to serve the students in a resource program like the one for artistically gifted or creatively gifted students in grades 2-8. The IMP and the teacher's credentials are the same as mentioned previously. The class shall satisfy time requirements for a Carnegie Unit course.

DUAL ENROLLMENT

High School students may attend regular classes part of the day and attend one or more classes at a higher grade level within the district, at an Institution of Higher Learning (IHL), or a Community or Junior College (CJC) for a part of the day. All expenses related to attendance at an IHL are the sole responsibility of the student's family. The classes should be in an academic area identified as a strength during the eligibility process and an academic area of intense personal interest for the student.

NOTE: There is no funding from the state for this option. Students must meet the criteria for participating in dual enrollment classes.

INDEPENDENT STUDY

Students are allowed to conduct an in-depth individual investigation under the supervision of a properly endorsed teacher of the gifted. The student must develop a written contract with the teacher before beginning the investigation. The contract should include the reason for the investigation, the time-line for the investigation, the expected final product, and the expert audience that will critique the final product.

NOTE: A Carnegie Unit may be awarded for the independent study if the student is enrolled in the "Field Experience" course in tandem with the intellectually gifted enrichment pull out course in grades 9-12.

MENTORSHIP

The gifted student is assigned as an intern to a professional or expert in a selected field related to the student's interest. The student shall develop a written contract with the teacher of the gifted and the mentor.

CLASS SIZE

The Mississippi Gifted Education Act of 1989 requires teachers of the gifted to provide a gifted program that meets the individual needs of the gifted students being served. The recommended size of each class in grades 2-8 is 8-12 students. While local districts have flexibility in the operation of programs, general education class size as mandated in the accreditation standards is inappropriate for gifted classes. The integrity of the program shall be maintained.

HOMEWORK/CLASSWORK

Gifted students in grades 2-8 may not be required to make-up class work missed when they are scheduled to be in the gifted classroom. Gifted students shall be held accountable for demonstrating mastery of concepts and information on regularly scheduled tests. It should be noted that some gifted students will not be high academic achievers for a variety of reasons. It is not reasonable to expect intellectually gifted students, artistically gifted students, and/or creatively gifted students, by virtue of having been granted one of those gifted eligibility rulings, to make all A's and B's. The exception is academically gifted students in grades 9-12 who have been ruled eligible based upon exceptionally high academic achievement in the pertinent area being served.

GIFTED TEACHER UNITS

The gifted education program is an add-on program funded by the state legislature through the Mississippi Adequate Education Program. Gifted teacher units in grades 2-6 shall be calculated as follows:

1. The first teacher unit shall be funded on the basis of a minimum of 20 identified and participating students.
2. The second gifted teacher unit shall be funded when there are 41 identified and participating students.
3. Additional gifted teacher units shall be funded based on the 40 + 1 formula.
4. The teacher serving fewer than 20 students, more than 60 students, or working less than full time in the gifted program shall be prorated.
5. No student may be counted more than once for the purpose of justifying funding of a gifted teacher unit.
6. The data entered into the Mississippi Student Information System (MSIS) shall be the official numbers for the purposes of funding gifted teacher units.

NOTE: If funds are available for permissible programs in grades 7-8, the teacher unit funding formula shall be the same as it is for grades 2-6.

If funds are available for permissible programs in grades 9-12, gifted teacher units in grades 9-12 shall be funded as follows:

1. If a teacher serves at least 7 identified and participating students and no more than 14 identified and participating students, that class period shall be funded.
2. If a teacher serves fewer than 7 identified and participating students or more than 14 identified and participating students, that class period shall be considered for prorated funding.
3. If a teacher serves at least 7 identified and participating students and no more than 14 students (some of whom are not identified), the class period shall be prorated based upon the percentage of identified students in the class.

PLANNING TIME

Each teacher of the gifted in grades 2-8 should have a daily planning period of not more than 60 minutes. This time is needed to develop activities to meet the individual needs of gifted students as required by law. Each teacher of the gifted in grades 9-12 should have the same planning time as the regular education teachers at that school.

ASSESSMENT TIME

One teacher of the gifted may be assigned an average of one 60-minute period per day of assessment time to perform the duties related to referral, assessment, and LSC meetings. If the time is combined, it may not exceed one-half day per week. Additional teachers of the gifted may be assigned assessment time based upon the following formula:

- 1-300 gifted students district wide = 1 assessment teacher
- 301-600 gifted students district wide = 2 assessment teachers
- 601-900 gifted students district wide = 3 assessment teachers

Additional assessment time is earned on multiples of 300 + 1 gifted students.

PROPOSAL FOR GIFTED PROGRAM

The Proposal for Gifted Program Form must be submitted to the State Board of Education for approval prior to providing a program for gifted students. Gifted Program Proposals may be approved for a period of up to five years, depending upon the district's annual self-evaluation on the *Mississippi Gifted Education Program Standards* and monitoring reports.

Whenever a district makes changes to the local gifted program, the district shall submit a new Proposal for Gifted Program Form to the MDE Office of Curriculum and Instruction for approval prior to implementing those changes.

MONITORING AND SELF-EVALUATION

Local gifted education programs shall be monitored by the Office of Curriculum and Instruction.

Each district shall submit to the MDE a copy of the local GEP self-evaluation by June 30 each year. The district shall also maintain a copy on file. This evaluation shall be made in accordance with the *Mississippi Gifted Education Program Standards*. It is suggested that the evaluation follow the rubric format of the standards. A sample self-evaluation document is available online, located in the Advanced Learning and Gifted area of www.mde.k12.ms.us/ci. Written documentation shall be submitted with the evaluation for each rating of 3 or higher. A written corrective action plan approved by the local school board shall be-maintained on file in the district with the evaluation for each rating of 1. The corrective action plan should be succinct.

GEP CONTACT PERSON

Each local district superintendent shall appoint at least one, but no more than two GEP Contacts. These individuals are the link between the district and the Office of Curriculum and Instruction at the MDE. This is not intended to be an additional administrative position at the district level. At least one of the GEP Contacts in the district shall hold a valid gifted endorsement. It is the responsibility of these individuals to keep the superintendent informed about the local gifted education program and all communications from the MDE regarding gifted education programs.

NON-COMPLIANCE

Districts must comply with the requirements of the Mississippi Gifted Education Act of 1989 (MS Code 37-23-171 through 181), the requirements of the *Mississippi Gifted Education Program Standards*, the requirements of these gifted program regulations, and the requirements of the *Mississippi Public School Accountability Standards* related to gifted education programs. If a district does not comply with the above requirements or fails to correct a problem identified during a program monitoring visit, the district accreditation status may be downgraded and state funds for the gifted program may be withheld until such time that compliance occurs. The hearing and appeals procedures related to accreditation are outlined in Accreditation Policy 6.0 as indicated in the *Mississippi Public School Accountability Standards*.

Appendix A: Emerging Potential for Gifted Checklist

(Note: Complete this checklist only if there is reason to believe the student will have emerging potential for gifted during the identification process.)

District personnel shall complete this checklist for any student referred for the gifted program that satisfies one or more of the descriptors for emerging potential for gifted, listed under the Student Identification Processes section of the Gifted Regulations. If some of these elements fit the student being considered, the student could be at a disadvantage when certain measures are used during the identification process. This information is only to be considered when selecting appropriate measures during the identification process.

Student: _____ **Grade:** _____ **Teacher:** _____

District: _____

School: _____ **Date:** _____

Questionnaire Completed By: _____

Relationship to Student: _____

Option I

A student who has been diagnosed with ADD/ADHD qualifies for use of the emerging potential for testing criteria as defined in the regulations.

Date of Diagnosis: _____ Person making diagnosis: _____

(Attach a copy of diagnosis and recommendations.)

Option II

If the student satisfies five (5) or more of the following criteria, the student may be considered for emerging potential for testing criteria as defined in the regulations.

- _____ The student has limited English proficiency or English is not the primary language in the home.
- _____ Non-standard English interferes with learning activities.
- _____ There is evidence of frequent moves from one school to another or one district to another.
- _____ Few academic enrichment opportunities are available in the home or local neighborhood.
- _____ Home or after-school responsibilities may interfere with the student's learning activities.
- _____ Cultural values may be in conflict with dominant culture.
- _____ There is a lack of access to cultural activities within the dominant culture.
- _____ The student has poor reading skills.
- _____ The student is frequently absent.
- _____ The student demonstrates difficulty staying on task.

Appendix B: Gifted Education Program Proposal

Mississippi Department of Education – Office of Curriculum and Instruction

District _____	Phone _____	
Gifted Contact Person _____		
INTELLECTUALLY GIFTED		
Check the categories of instruments to be used during the identification process. Only complete the name of the instrument(s) and minimal score if establishing a minimal acceptable criteria higher than that stated in the regulations:		
	Name of Instrument	Score
-Group intelligence test(s)	_____	_____
-Characteristics of giftedness checklist	_____	_____
-Measure of creativity	_____	_____
-Measure of leadership	_____	_____
-Measure of cognitive ability	_____	_____
-Achievement test(s)	_____	_____
-Individual test of intelligence	_____	_____
-Other measures	_____	_____
ACADEMICALLY GIFTED		
Check the categories of instruments to be used during the identification process. Only complete the name of the instrument(s) and minimal score if establishing a minimal acceptable criteria higher than that stated in the regulations:		
	Name of Instrument	Score
-Group achievement test(s)	_____	_____
-Individual achievement test	_____	_____
-Portfolio*	_____	_____
*A copy of the rubric that will be used to evaluate the portfolio, including the minimal acceptable score, must be submitted for approval with the program proposal.		
ARTISTICALLY GIFTED		
Check the categories of instruments to be used during the identification process. Only complete the name of the instrument(s) and minimal score if establishing a minimal acceptable criteria higher than that stated in the regulations:		
	Name of Instrument	Score
-Measure of creativity	_____	_____
-Measure of ability in visual arts	_____	_____
-Portfolio*	_____	_____
*A copy of the rubric that will be used to evaluate the portfolio, including the minimal acceptable score, must be submitted for approval with the program proposal.		

CREATIVELY GIFTED

Check the categories of instruments to be used during the identification process. Only complete the name of the instrument(s) and minimal score if establishing a minimal acceptable criteria higher than that stated in the regulations:

	Name of Instrument	Score
-Measure of creativity	_____	_____
-Measure of ability in performing arts	_____	_____
-Portfolio*	_____	_____

*A copy of the rubric that will be used to evaluate the portfolio, including the minimal acceptable score, must be submitted for approval with the program proposal.

TYPE OF PROGRAM(S)

Check all that apply for the district and indicate the grade level(s) in which each program will be implemented:

PROGRAM	GRADE LEVEL(S)
-Intellectually Gifted Resource*	_____ *Mandated in grades 2-6
-Academic Placement*	_____ *Available in grades 9-12 only
-Artistically Gifted Resource	_____
-Creatively Gifted Resource	_____
-Dual Enrollment	_____
-Independent Study	_____
-Mentorship	_____

APPROVAL OF PROPOSAL

_____ Superintendent Signature	_____ Date
-----------------------------------	---------------

_____ GEP Contact Person's Signature	_____ Date
---	---------------

Below is for MDE use only:

_____ Office Director's Signature	_____ Date
--------------------------------------	---------------

_____ Bureau Director's Signature	_____ Date
--------------------------------------	---------------

Appendix C: MS Code 37-23-171 through 181

MISSISSIPPI CODE of 1972

*** Current through the 2012 Regular Session ***

§ 37-23-171. Short title

Sections 37-23-171 through 37-23-181 shall be known and may be cited as the "Mississippi Gifted Education Act of 1989."

HISTORY: SOURCES: Laws, 1989, ch. 447, § 1, eff from and after July 1, 1989.

§ 37-23-173. Legislative findings and declarations; purpose

The Legislature finds and declares that there are many children in the State of Mississippi who are intellectually, academically, creatively and/or artistically gifted and who require additional opportunities to allow them to develop their capabilities to their fullest potential.

Consequently, it is the purpose of Sections 37-23-171 through 37-23-181 to provide for a uniform system of education for gifted children in the public schools of Mississippi, to provide for a nondiscriminatory process of identification of these children, to provide for periodic evaluation of the program and its benefit to the gifted children, and to insure that gifted children are identified and offered an appropriate education.

Further, it is the intent of the Legislature that local districts be given as much flexibility as possible in the operation of their programs and that there be parental involvement in the development and conduct of their programs.

HISTORY: SOURCES: Laws, 1989, ch. 447, § 2; Laws, 1993, ch. 585, § 1, eff from and after July 1, 1993.

§ 37-23-175. Definitions

For purposes of Sections 37-23-171 through 37-23-181, the following terms shall have the following meanings unless the context shall prescribe otherwise:

(a) "Gifted children" shall mean children who are found to have an exceptionally high degree of intellect, and/or academic, creative or artistic ability.

(b) "Gifted education" shall mean programs for instruction of intellectually gifted children within Grades 2 through 12 and programs for instruction of academically gifted children within Grades 9 through 12 and programs for instruction of creative or artistically gifted children within Grades 2 through 12 of the public elementary and secondary schools of this state. Such programs shall be designed to meet the individual

needs of gifted children and shall be in addition to and different from the regular program of instruction provided by the district.

(c) "Department" shall mean the State Department of Education.

(d) "Board" shall mean the State Board of Education.

HISTORY: SOURCES: Laws, 1989, ch. 447, § 3; Laws, 1993, ch. 585, § 2, eff from and after July 1, 1993.

§ 37-23-177. General powers and duties of board of education

The board shall have the following powers, duties and responsibilities:

(a) To promulgate and enforce rules, regulations and guidelines to implement the provisions of Sections 37-23-171 through 37-23-181;

(b) To provide technical assistance to local school district personnel in the development, implementation, evaluation and modification of gifted education programs for gifted children;

(c) To review and approve or deny all local school district gifted education programs, or changes therein, submitted pursuant to Sections 37-23-171 through 37-23-181;

(d) To accept and distribute federal funds or funds made available from other sources;

(e) To develop certification requirements for all teaching or nonteaching personnel employed in gifted education programs;

(f) To develop staff development programs for personnel employed in gifted education programs;

(g) To collect such data from all local school districts as may be required to implement Sections 37-23-171 through 37-23-181;

(h) To disseminate information on quality gifted education programs; and

(i) To withhold funds from any school district which refuses or fails to comply with the provisions of Sections 37-23-171 through 37-23-181.

HISTORY: SOURCES: Laws, 1989, ch. 447, § 4, eff from and after July 1, 1989.

§ 37-23-179. Promulgation of rules, regulations, and guidelines; office for gifted education; implementation of programs of gifted education by local school districts; funding of programs

(1) The board shall specifically promulgate rules, regulations and guidelines which establish model programs of gifted education and also establish minimum criteria for gifted education programs. In providing programs of gifted education, the local district may use the model programs prepared by the board or may itself develop programs of gifted education which, prior to being implemented, shall be approved by the board, provided, that no such plan or program shall be approved or continued unless it meets the minimum criteria established by the board.

(2) There is hereby created within the department an office for gifted education which shall be staffed by such professional, support and clerical personnel as may be necessary to implement the provisions of Sections 37-23-171 through 37-23-181.

(3) All local school districts may have programs of gifted education for intellectually, creatively and/or artistically gifted students in Grades 2 through 12 and for academically gifted students in Grades 9 through 12 approved by the board. Beginning with the 1993-1994 school year, all local school districts shall have programs of gifted education for intellectually gifted students in Grade 2, subject to the approval of the State Board of Education and the availability of funds appropriated therefor by line-item. Beginning with the 1994-1995 school year, all local school districts shall have programs of gifted education for intellectually gifted students in Grades 2 and 3, subject to the approval of the State Board of Education. Beginning with the 1995-1996 school year, all local school districts shall have programs of gifted education for intellectually gifted students in Grades 2, 3 and 4 subject to the approval of the State Board of Education. Beginning with the 1996-1997 school year, all local school districts shall have programs of gifted education for intellectually gifted students in Grades 2, 3, 4 and 5, subject to the approval of the State Board of Education. Beginning with the 1997-1998 school year, all local school districts shall have programs of gifted education for intellectually gifted students in Grades 2, 3, 4, 5 and 6, subject to the approval of the State Board of Education. The programs shall be funded as a part of the exceptional child programs in accordance with Section 37-19-5(3). Each local school district shall include as a part of its five-year plan a description of any proposed gifted education programs of the district. State funded teacher units for gifted education programs for fiscal year 1994 and thereafter shall be at least the number funded for gifted education programs for fiscal year 1993 and any additional numbers that may be funded by appropriation of the Legislature for those programs. Additional programs above the number authorized statewide and expansion of programs using state funds shall be allowed only in years in which the funding for gifted education teacher units exceeds the number funded for fiscal year 1993. In the Minimum Education Program appropriation bill each year, there shall be a line item specifying the number of special education teacher units that are to be used for gifted education programs.

HISTORY: SOURCES: Laws, 1989, ch. 447, § 5; Laws, 1992, ch. 503, § 1; Laws, 1993, ch. 585, § 3, eff from and after July 1, 1993.

§ 37-23-181. Relationship of provisions with §§ 37-23-121 through 37-23-131

Sections 37-23-171 through 37-23-181 shall be in addition to and supplemental to the provisions of Sections 37-23-121 through 37-23-131, known as the "Mississippi Learning Resources Law of 1974."

HISTORY: SOURCES: Laws, 1989, ch. 447, § 6; Laws, 1992, ch. 396 § 3, eff from and after passage (approved April 27, 1992).

Source: *Miss. Code Ann.* § 37-23-179

Regulations for the Gifted Education Programs in Mississippi

2006

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~~The Mississippi Gifted Education Act of 1989, as amended in 1993, mandates that each public school district within the state provide gifted education programs for intellectually gifted students in grades 2-6. All local public school districts may have gifted education programs for intellectually gifted students in grades 7-12, artistically gifted students in grades 2-12, creatively gifted students in grades 2-12, and/or academically gifted students in grades 9-12, subject to the approval of the State Board of Education.~~

STATE DEFINITIONS

~~“Intellectually Gifted Children” shall mean those children and youth who are found to have an exceptionally high degree of intelligence as documented through the identification process.~~

~~“Academically Gifted Children” shall mean those children and youth who are found to have an exceptionally high degree of demonstrated academic ability as documented through the identification process.~~

~~“Artistically Gifted Children” shall mean those children and youth who are found to have an exceptionally high degree of creativity and an exceptionally high degree of ability in the visual arts as documented through the identification process.~~

~~“Creatively Gifted Children” shall mean those children and youth who are found to have an exceptionally high degree of creativity and an exceptionally high degree of ability in the performing arts as documented through the identification process.~~

~~“Gifted Education Programs (GEP)” shall mean special programs of instruction for intellectually gifted children in grades 2-12, academically gifted children in grades 9-12, artistically gifted children in grades 2-12, and/or creatively gifted children in grades 2-12 in the public elementary and secondary schools of this state. Such~~

~~programs shall be designed to meet the individual needs of gifted children and shall be in addition to and different from the regular program of instruction provided by the district.~~

PURPOSE

~~To ensure that gifted children who demonstrate unusually high potential as described in the above definitions are identified and offered an appropriate education based upon their exceptional abilities. Because of their unusual capabilities, they require uniquely qualitatively different educational experiences not available in the regular classroom. These uniquely different programs are required to enable gifted students to realize their abilities and potential contributions to self and society.~~

PROCEDURAL SAFEGUARDS

~~All data collected as part of the identification process are protected by the Family Educational Rights and Privacy Act (FERPA).~~

~~Parents must be notified of their rights under FERPA. It is the obligation of the local district to ensure that parents understand these rights.~~

~~All information/data collected as part of the identification process shall be placed in an individual eligibility file for each student. These files and the information contained therein shall not be placed in the student's cumulative record folder. The files shall be maintained in a separate locked storage facility/file cabinet, and access to the information shall be restricted to those personnel working directly with the identification process, working directly in the gifted education program, or that have a documented need to know.~~

~~Once the referral process begins, parents must be informed of the information/data that is collected. Parents shall have access to these records. Each district shall have a policy that establishes the process that parents shall adhere to when requesting to access these files. Parents shall be made aware of their rights to an explanation of the results of the Assessment Team Report.~~

LOCAL SURVEY COMMITTEE (LSC)

~~Each district shall establish an LSC for the GEP. The LSC shall be involved in determining a student's eligibility for an intellectually gifted, artistically gifted, creatively gifted, and/or academically gifted program. The LSC shall include, but is not limited to, gifted education teachers and administrators. It may include regular education teachers, school psychologists or psychometrists, and parents. It should include a special education teacher when a student is being considered for an eligibility under the twice-exceptional criteria. The LSC may be a building level committee which is responsible for students enrolled at that school, a district level committee which is responsible for student enrolled in the entire district, or a combination of the two.~~

STUDENT IDENTIFICATION PROCESSES

~~The student identification processes are separated into six steps for each of the four different eligibility categories: Intellectually, Artistically and Creatively Gifted for students in grades 2-12, and Academically Gifted for students in grades 9-12. The six steps are: referral, (LSC) review, parental permission for testing, assessment, assessment report, and the eligibility ruling by the LSC.~~

When the district is developing identification procedures, the following shall be considered:

~~The identification process shall consist of a combination of subjective and objective measures to determine eligibility for the gifted programs. No single evaluation method or instrument adequately identifies students who are gifted.~~

~~Thus, a **multi-factored identification process** must be followed to insure a fair evaluation of each individual student.~~

~~The identification process shall provide an equitable opportunity for the inclusion of students who are culturally diverse, underachieving, disabled under IDEA guidelines, physically handicapped, ADD/ADHD, as well as students who exhibit classroom behavior such as extreme shyness, short attention spans, disruptiveness, continual questioning, and anxiety. Throughout the identification process, close attention and careful consideration shall be paid to all information available and collected on each individual student and how that information dictates the kinds of instruments and measures that should be used to correctly assess that student.~~

~~All instruments administered and measures must have been validated for the specific purpose for which they are being used.~~

~~Hearing, vision, and general physical examinations are suggested but are not required.~~

~~District personnel shall make decisions as to which measures will be used during the referral process and what the local minimal acceptable criteria will be for each measure.~~

~~This information must be documented in writing at the district level. District personnel~~

shall make decisions as to which measures will be used during the assessment process and whether the minimal acceptable criteria set in regulations will be used, or if a higher minimal acceptable criteria will be used. The assessment criteria and minimal acceptable criteria to be used shall be documented in writing in the district's Gifted Education Program Proposal submitted to the Office of Gifted Education Programs at the Mississippi Department of Education (MDE) and approved by the State Board of Education (SBE).

Identification as gifted in one area does not automatically make a student eligible for services in one or more of the other areas of giftedness in Mississippi. However, a student with an Intellectually Gifted eligibility ruling may be served in an Academically Gifted program in grades 9-12 without obtaining an Academically Gifted eligibility ruling. Since not all intellectually gifted students are also academically gifted, and since many intellectually gifted students are not high academic achievers in all academic areas, careful consideration shall be given as to the appropriate placement in the academically gifted program.

IDENTIFICATION OF INTELLECTUALLY GIFTED STUDENTS

NOTE: Throughout the identification process, district personnel shall be careful to select measures that target the student's strengths.

Referral

A student may be referred by a parent, teacher, counselor, administrator, peer, self, or anyone else having reason to believe that the student might be intellectually gifted. The person initiating the referral shall sign the referral form and date it. District personnel shall collect the data required to satisfy the district's referral criteria. The Jacob Javits Act

~~(PL 107-110 sec. 9101) declares that intellectual ability and academic ability are two distinct and separate areas of performance. Accordingly, while grades and/or achievement test scores might be an indicator of giftedness, neither grades nor achievement test scores shall eliminate a student from the identification process for the intellectually gifted program. Grades and/or achievement test scores are more appropriately an indicator of academic giftedness. Many intellectually gifted students are not going to be high achieving, teacher pleasing students. All measures collected throughout the identification process shall be selected based upon the strengths of the individual student being considered.~~

~~Once a referral form has been initiated, signed and dated, only the LSC or parents can stop the identification process.~~

Referral Criteria

~~A student shall satisfy two of the following criteria at this level before moving forward in the identification process:~~

~~———— **NOTE:** A group screening measure will assist in identifying some students from underrepresented populations. However, a group screening measure shall not be the sole determining factor used to eliminate a student from the identification process at the referral stage.~~

- ~~———— 1. ——— group measure of intelligence that has been administered within the past
———— twelve (12) months,~~
- ~~———— 2. ——— published characteristics of giftedness measure,~~
- ~~———— 3. ——— published measure of creativity,~~
- ~~———— 4. ——— published measure of leadership,~~

- ~~5. achievement test scores;~~
- ~~6. existing measure of individual intelligence that has been administered
within the past twelve (12) months, and/or~~
- ~~7. other measures that are documented in the research on identification of
intellectually gifted students.~~

~~Each district shall establish the local minimal acceptable criteria on each measure used at this stage. Documentation of the measures and minimal acceptable criteria for each shall be maintained in a written document approved by the local school board. This document shall be distributed to district administrators, school counselors, and teachers, and shall be available to parents at each school site.~~

~~LSC Review~~

~~Once the referral data has been collected, the LSC shall review all the data and make one of the following recommendations:~~

- ~~1. the student has satisfied minimal criteria on at least two measures and
should move forward to the assessment stage, or~~
- ~~2. the student has not satisfied minimal criteria on at least two measures,
however, the LSC feels strongly that additional data should be collected
and the student reconsidered at that time, or~~
- ~~3. the student has not satisfied minimal criteria on at least two measures
and the identification process should stop.~~

~~Potentially Disadvantaged Gifted~~

~~At this point district personnel shall make the decision as to the possibility that the student could possibly be eligible for consideration as disadvantaged gifted. If it is~~

~~believed that the student might be disadvantaged, then the Potentially Disadvantaged Intellectually Gifted Checklist should be completed for possible use during the assessment process. The potentially disadvantaged gifted category makes provisions for certain factors that exist that may put the student at a disadvantage when inappropriate instruments are used during the assessment process.~~

Assessment

~~Once the LSC has determined that a student should move forward to the assessment phase, district personnel shall review all data available on the student before deciding which measures are most appropriate to be used during assessment. After reviewing the information available, district personnel shall collect measures from at least three of the categories of assessment measures. A student shall satisfy minimal state criteria on measures from at least three categories before moving forward in the process. Districts may elect to set the local minimal criteria higher than the criteria stated in regulations.~~

Parental Permission for Testing

~~At this time, if parental permission for testing has not been obtained, district personnel shall obtain written parental permission for testing.~~

Phase I Assessment Criteria

- ~~1. — A full scale score at or above the 90th percentile on a normed group measure of — intelligence.~~
- ~~2. — A score at or above the superior range on a normed characteristics of giftedness — checklist.~~
- ~~3. — A score at or above the superior range on a normed measure of creativity.~~
- ~~4. — A score in the superior range on a normed measure of leadership.~~

5. ~~A score at or above the 90th percentile on a normed measure of cognitive abilities.~~

6. ~~A score at or above the 90th percentile on total language, total math, total reading, total science, total social studies, or the composite on a normed achievement test.~~

7. ~~Other measures as approved by the SBE on the district's Gifted Education Program Proposal.~~

~~A student who has satisfied the minimal acceptable criteria on any three of the above measures shall move forward to the individual test of intelligence.~~

Phase II Assessment Criteria

~~Once it has been determined that a student has satisfied minimal criteria on three measures from Phase I of assessment, the student shall move forward to the second phase of assessment, the individual test of intelligence. All individual tests of intelligence shall be administered by a licensed examiner. In no case will the examiner be related to the student being tested. The examiner shall review all available data on the student, whether or not it satisfies minimal identification criteria, and use that information to select the most appropriate test of intelligence. No more than one individual test of intelligence shall be administered to the student without an appropriate waiting period between administrations. The examiner shall provide a signed and dated report of the test administration to include testing conditions, scores on all subtests or subscales, and the strengths and weaknesses of the student. A student must score at or above the 90th percentile composite/full scale or the 90th percentile on approved subtests in order to satisfy eligibility criteria.~~

Potentially Twice-Exceptional Students

~~Students who already have an eligibility ruling under IDEA and are being assessed for an intellectually gifted eligibility, and who did not satisfy the minimal acceptable criteria on the individual test of intelligence shall have their results reviewed by the LSC and a licensed examiner. If the student scores at or above the 90th percentile on the nonverbal scale, or who in the opinion of the reviewing committee would benefit from participation in the intellectually gifted program, the student may be granted a provisional eligibility for the intellectually gifted program for a period of one year. At the end of that year, the student's teacher of the gifted shall meet with the review committee to discuss the student's performance in the program. If the student has demonstrated success in the program, the LSC shall change the eligibility status from provisional to regular eligibility. If the student has not been successful in the program, the provisional eligibility shall be revoked.~~

Potentially Disadvantaged Gifted

~~Students who have satisfied criteria on the Potentially Disadvantaged Gifted Checklist who did not satisfy minimal acceptable criteria on an individual test of intelligence, but, did score at least the 85th percentile, may be administered one of the following additional measures to determine eligibility:~~

- ~~1. A test of cognitive abilities with a minimal score at the 90th percentile,~~
- ~~2. A group intelligence measure with a minimal score at the 90th percentile,~~
- ~~3. Place existing scores from the assessment stage into a matrix that the local district has had approved by the MDE.~~

~~Identification criteria, as approved by the SBE on the local district's Gifted Education~~

~~Program Proposal must be satisfied for a student to be ruled eligible by the LSC for the intellectually gifted education program.~~

Assessment Report

~~District personnel shall write an Assessment Report, which must contain the following components:~~

- ~~1. Student's name,~~
- ~~2. Name of at least three measures from Assessment Phase I that were used to determine the need to administer an individual test of intelligence,~~
- ~~3. Results of each measure,~~
- ~~4. Name of individual who administered or completed each measure and the date administered or completed,~~
- ~~5. Test behaviors for any individually administered test(s),~~
- ~~6. Interpretation of the results of each individually administered test(s),~~
- ~~7. Name of the person who administered the individual test of intelligence and date test was administered,~~
- ~~8. Qualifications of the individual who administered the individual test of intelligence,~~
- ~~9. Results of the individual test of intelligence to include scores on all subtests and identified strengths and weaknesses,~~
- ~~10. Name of the person responsible for writing the Assessment Report, his/her signature and position, and~~
- ~~11. The date of the Assessment Report.~~

Eligibility Determination

Once the Assessment Report is finished, the LSC shall meet to review all data and determine if eligibility criteria has or has not been satisfied. The LSC shall rule that the student is or is not eligible for the intellectually gifted program.

Parental Notification

District personnel shall notify in writing the parents of each student tested for the intellectually gifted program about the assessment results. District personnel shall offer to explain any of the results that parents have questions about. District personnel shall also notify parents in writing about their rights under the Family Educational Rights and Privacy Act (FERPA).

IDENTIFICATION OF ACADEMICALLY GIFTED STUDENTS

NOTE: Throughout the identification process, district personnel shall be careful to select measures that target the student's strengths.

Referral

Students who are rising ninth graders through rising twelfth graders may be referred by a teacher, parent, peer, self, or any other person having reason to believe that the student might be academically gifted. The person initiating the referral shall sign the referral form and date it. District personnel shall collect the data required to satisfy the district's referral criteria. Only the LSC can stop the identification process once a referral has been signed and dated.

Referral Criteria

A student shall satisfy at least two of the following criteria before moving to the assessment process:

1. Grade history of A's and B's in the pertinent academic area,
2. Portfolio of the student's work indicating outstanding capabilities in the pertinent academic area (evaluated using a rubric),
3. Group or individual intelligence test administered within the last twelve months,
4. Group or individual achievement test score(s) in the pertinent academic area (individual achievement test must have been administered within the last twelve months), or
5. Other demonstrated achievement and/or potential abilities (with prior approval of the MDE).

Each district shall establish the local minimal acceptable criteria on each measure used at this stage. Documentation of the measures and minimal acceptable criteria for each shall be maintained in a written document and approved by the local school board. This document shall be distributed to district administrators, school counselors, and teachers, and shall be available to parents at each school site.

LSC Review

Once the referral data has been collected, the LSC shall review all data and make one of the following recommendations:

1. The student has satisfied minimal criteria on at least two of the measures stage, and should move forward to the assessment

- ~~2. The student has not satisfied minimal criteria on at least two measures; however, the LSC feels strongly that additional data should be collected and the student reconsidered at that time, or~~
- ~~3. The student has not satisfied minimal criteria on at least two measures, and the identification process should stop.~~

Parental Permission for Testing

~~At this time, if parental permission for testing has not been obtained, district personnel shall obtain written parental permission for testing.~~

Assessment

~~Once the LSC has determined that the student should move forward to the assessment phase, district personnel shall review all data available before deciding which measures are most appropriate to be used during assessment. After reviewing the information available, district personnel shall collect measures from at least two of the categories of assessment measures. A student shall satisfy minimal state criteria on at least two of the measures.~~

Assessment Criteria

- ~~1. A score at or above the 90th percentile on the total score in the pertinent academic area on a norm-referenced achievement test,~~
- ~~2. A score at or above the 90th percentile in the pertinent academic area on a norm-referenced individual achievement test, or~~
- ~~3. A portfolio of the student's work demonstrating outstanding achievement in the pertinent academic area over a period of at least six months. The portfolio shall be evaluated using a rubric approved by the MDE.~~

Assessment Report

District personnel shall write an assessment report, which must contain the following components:

1. Student's name,
2. Name of each measure used and date administered or completed,
3. Results of each measure,
4. Test behaviors for any individually administered test(s),
5. Name and credentials of individual who administered any individual test(s),
6. Interpretation of any individually administered test(s),
7. Name of person responsible for writing the Assessment Report, his/her signature and date, and
8. The date of the Assessment Report.

Eligibility Ruling

Once the Assessment Report is finished, the LSC shall meet to review all data and determine if eligibility criteria has or has not been satisfied. The LSC shall rule that the student is or is not eligible for the academically gifted program.

NOTE: Once a student has been ruled eligible for the academically gifted program, additional eligibilities are not required to provide services in academic areas other than the area that was considered for the original eligibility ruling. However, careful consideration shall be given as to the probability of the student being successful in additional area(s).

A student with an intellectually gifted eligibility ruling does not need to have an

~~academically gifted ruling to be served in an academically gifted program. Since not all intellectually gifted students are also academically gifted, available data shall be reviewed to determine the probability that the student will be successful in the academic placement.~~

~~Parental Notification~~

~~District personnel shall notify in writing the parents of each student tested for the academically gifted program about the assessment results. District personnel shall offer to explain any of the results that parents have questions about. District shall also notify parents in writing about their rights under the Family Educational Rights and Privacy Act (FERPA).~~

~~IDENTIFICATION OF ARTISTICALLY GIFTED STUDENTS~~

~~Referral~~

~~A student may be referred by a teacher, administrator, counselor, parent, peer, self, or any other person having reason to believe that the student may be artistically gifted. The person initiating the referral shall sign the referral form and date it. District personnel shall collect the data required to satisfy the district's referral criteria. Only the LSC can stop the identification process once a referral has been signed and dated.~~

~~Referral Criteria~~

- ~~1. A statement from an individual with documented expertise in the visual arts that the student is in the top 10% of age peers in ability in the visual arts and has an exceptionally high degree of creativity, and one of the following:~~

- ~~2. Published checklist of creativity or norm-referenced test of creativity;~~
- ~~3. Published checklist of characteristics for the visual arts or a published test of ability in the visual arts;~~
- ~~4. Demonstrated individual accomplishment in the visual arts such as recognition at the state level or above;~~
- ~~5. Portfolio of the student's work evaluated using a rubric, or~~
- ~~6. Other indicators of an exceptionally high degree of ability in the visual arts (with prior approval of the MDE).~~

~~Each district shall establish the local minimal acceptable criteria on each measure used at this stage. Documentation of the measures and minimal acceptable criteria for each shall be maintained in a written document and approved by the local school board. This document shall be distributed to district administrators, school counselors, and teachers, and shall be available to parents at each school site.~~

LSC Review

~~Once the referral data has been collected, the LSC shall review all data and make one of the following recommendations:~~

- ~~1. The student has satisfied minimal criteria and should move forward to the assessment stage;~~
- ~~2. The student has not satisfied the minimal criteria. However, the LSC feels strongly that additional data should be collected and the student reconsidered at that time, or~~
- ~~3. The student has not satisfied minimal criteria, and the identification process should stop.~~

Parental Permission for Testing

At this time, if parental permission for testing has not been obtained, district personnel shall obtain written parental permission for testing.

Assessment

Once the LSC has determined that the student should move forward to the assessment phase, district personnel shall review all available data before deciding which measures are most appropriate to be used during assessment. District personnel shall collect measures from at least two of the categories of assessment measures. At least one of the measures shall be a measure of creativity. A student shall satisfy minimal acceptable criteria on the measures used.

Assessment Criteria

1. Published checklist of creativity with a score in at least the superior range, or a published test of creativity with a score in at least the superior range,
2. Published checklist of characteristics for the visual arts with a score in at least the superior range, or a published test of ability in the visual arts with a score in at least the superior range, or
3. Portfolio of the student's work (all components of the portfolio shall be the individual efforts of the student and completed during the past twelve months) evaluated using a rubric (with prior approval by the MDE) by an individual who derives his/her main source of income from working in the visual arts area and who certifies in writing that the student has an exceptionally high degree of creativity and ability in the visual arts which

~~_____ places them in the top 5% of their age peers in that visual arts area.~~

Individual Audition

~~If the student has satisfied minimal criteria as outlined above, the student shall successfully complete an individual live audition before a Panel of Experts. There must be at least three experts on the panel with no more than one being an employee of the district. The teacher in the program may not be a member of the panel. All members of the panel shall meet at least the following criteria:~~

- ~~_____ 1. _____ Possess an advanced degree in the appropriate visual arts area, and/or~~
- ~~_____ 2. _____ Derive their main source of income from working in the appropriate
_____ visual arts area.~~

~~The district shall maintain written documentation confirming the qualifications of each member of the panel.~~

~~The members of the panel shall observe the student performing in the appropriate visual arts area. The evaluation of the panel shall be performed simultaneously, independently, and without discussion of the results. Each member of the panel will complete a rubric (with prior approval by the MDE) and sign a statement certifying that they find that the student has an exceptionally high degree of creativity and exceptionally high ability in the visual arts that places them in the top 5% of age peers.~~

Assessment Report

~~District personnel shall write an Assessment Report which must contain the following components:~~

- ~~_____ 1. _____ Student's name,~~
- ~~_____ 2. _____ Names of at least two measures, including the scores on each measure,~~

- ~~_____ that were used to determine that the student satisfied minimal acceptable
_____ assessment criteria,~~
- ~~3. Individual audition summary,~~
 - ~~4. Date that each measure was administered or completed,~~
 - ~~5. Completed rubric signed and dated by each member of the panel,~~
 - ~~6. Signed statement by each member of the panel certifying the student's
_____ creativity and ability in the visual arts,~~
 - ~~7. Name of the person responsible for writing the Assessment Report,
_____ signature and position, and~~
 - ~~8. Date of the Assessment Report.~~

Eligibility Determination

~~Once the Assessment Report is finished, the LSC shall meet and review all data and determine if eligibility criteria has or has not been satisfied. The LSC shall rule that the student is or is not eligible for the artistically gifted program.~~

Parental Notification

~~District personnel shall notify in writing the parents of each student tested for the artistically gifted program about the assessment results. District personnel shall offer to explain any of the results that parents have questions about. District personnel shall also notify parents in writing about their rights under the Family Educational Rights and Privacy Act (FERPA).~~

IDENTIFICATION OF CREATIVELY GIFTED STUDENTS

Referral

A student may be referred by a teacher, administrator, counselor, parent, peer, self, or any other person having reason to believe that the student may be creatively gifted. The person initiating the referral shall sign the referral form and date it. District personnel shall collect the data required to satisfy the district's referral criteria. Only the LSC can stop the identification process once a referral has been signed.

Referral Criteria

1. A statement from an individual with documented expertise in the performing arts that the student is in the top 10% of age peers in ability in the performing arts and has an exceptionally high degree of creativity, and one of the following:
2. Published checklist of creativity or a published test of creativity,
3. Published checklist of characteristics in the performing arts or a published test of ability in the performing arts,
4. Demonstrated individual accomplishment in the performing arts such as recognition at the state level or above,
5. Videotape of the student's performance in the performing arts evaluated using a rubric, or
6. Other indicators of an exceptionally high degree of ability in the performing arts (with prior approval of the MDE).

Each district shall establish the local minimal acceptable criteria on each measure used at this stage. Documentation of the measures and minimal acceptable criteria for each shall

be maintained in a written document and approved by the local school board. This document shall be distributed to district administrators, school counselors, and teachers, and shall be available to parents at each school site.

LSC Review

Once the referral data has been collected, the LSC shall review all data and make one of the following recommendations:

1. The student has satisfied minimal criteria and should move forward to the assessment stage,
2. The student has not satisfied minimal criteria. However, the LSC feels strongly that additional data should be collected and the student reconsidered at that time, or
3. The student has not satisfied minimal criteria and the identification process should stop.

Parental Permission for Testing

At this time, if parental permission for testing has not been obtained, district personnel shall obtain written parental permission for testing.

Assessment

Once the LSC has determined that the student should move forward to the assessment phase, district personnel shall review all available data before deciding which measures are most appropriate to be used during assessment. District personnel shall collect measures from at least two of the categories of assessment measures. At least one of the measures shall be a measure of creativity. A student shall satisfy minimal acceptable criteria on the measures used.

Assessment Criteria

1. Published checklist of creativity with a score in at least the superior range, or a published test of creativity with a score in at least the superior range,
2. Published checklist of characteristics for performing arts with a score in at least the superior range, or a published test of ability in the performing arts with a score in at least the superior range, or
3. Videotape of the student's performance (must have been taped within the past twelve months) evaluated using a rubric (with prior approval by the MDE) by an individual who derives their main source of income from working in the pertinent performing arts area and who certifies in writing that the student has an exceptionally high degree of creativity and ability in the performing arts which places them in the top 5% of age peers.

Individual Audition

If the student has satisfied the minimal criteria as outlined above, the student shall successfully complete an individual live audition before a Panel of Experts. There must be at least three experts on the panel with no more than one being an employee of the district. The teacher in the program may not be a member of the panel. All members of the panel shall meet at least the following criteria:

1. Possess an advanced degree in the appropriate performing arts area, and/or
2. Derive main source of income from working in the appropriate

~~_____ performing arts area.~~

~~The district shall maintain written documentation confirming the qualifications of each member of the panel.~~

~~The members of the panel shall observe a live performance by the student in the appropriate performing arts area. The evaluation of the panel shall be conducted simultaneously, independently, and without discussion of the results. Each member of the panel will complete a rubric (with prior approval of the MDE) and sign a statement that they find that the student has an exceptionally high degree of creativity and an exceptionally high ability in the performing arts that places them in the top 5% of age peers.~~

Assessment Report

~~District personnel shall write an Assessment Report which must contain the following components:~~

- ~~_____ 1. _____ Student's name,~~
- ~~_____ 2. _____ Name of at least two measures, with the score on each measure,
_____ that were used to determine that the student satisfied minimal acceptable
_____ assessment criteria,~~
- ~~_____ 3. _____ Individual audition summary,~~
- ~~_____ 4. _____ Date that each measure was administered or completed,~~
- ~~_____ 5. _____ Completed rubric signed and dated by each member of the panel,~~
- ~~_____ 6. _____ Signed statement by each member of the panel certifying the student's
_____ creativity and ability in the performing arts,~~
- ~~_____ 7. _____ Name of person responsible for writing the Assessment Report,~~

_____ signature and position, and

8. _____ Date of the Assessment Report.

Eligibility Determination

Once the Assessment Report is finished, the LSC shall meet and review all data and determine if eligibility criteria has or has not been satisfied. The LSC shall rule that the student is or is not eligible for the creatively gifted program.

Parental Notification

District personnel shall notify in writing the parents of each student tested for the creatively gifted program about the assessment results. District personnel shall offer to explain any of the results that parents have questions about. District personnel shall also notify parents in writing about their rights under the Family Educational and Privacy Act (FERPA).

NOTE: Students who have a valid Mississippi gifted eligibility ruling do not have to be reevaluated. See the annual reassessment statement for information on continued placement in a gifted program. A Mississippi eligibility determination in any of the four areas shall be accepted by all school district's within state provided the district has a program in the particular area for which the student has an eligibility.

PARENTAL PERMISSION FOR PLACEMENT

After a student has been ruled eligible for one of the gifted programs, written parental permission for placement shall be obtained before the student is placed in the program.

OUT-OF-STATE GIFTED ELIGIBILITIES

Each state has a unique set of eligibility criteria for placement in a gifted program. Hence, a student moving to Mississippi with a gifted eligibility from another state must satisfy Mississippi eligibility criteria before being considered for placement in the gifted program. The eligibility ruling from another state may be used to initiate the referral process in Mississippi. There is no temporary placement in the gifted program while the student goes through the eligibility process within the local district.

ANNUAL REASSESSMENT

A committee shall meet at least annually to reassess each gifted student's continuation in the gifted program. The committee must include at least the student's teacher of the gifted and a designated administrative representative. Documentation of the meeting must be maintained and must include the name(s) of the student(s) discussed, a list of the committee members present, and the date of the meeting. Since participation in the gifted program is an entitlement under law, the student should remain in the gifted program as long as they are being successful in the program. Grades and/or success in the regular education program is the responsibility of the regular classroom teachers and should not be considered as a reason for removal from the gifted program. Should the committee determine that the student should exit the program due to lack of progress in the program and/or unsatisfactory participation in the program, the student's parents must be notified and given the opportunity to discuss the decision with the committee before the student is removed. Should the parents not agree to the removal of the student from the program, the local district shall grant the parents a hearing. Each local school district should have a policy in place as to how this hearing will be conducted and how the lack

of agreement will be resolved.

~~HOMEWORK/CLASSWORK~~

~~Gifted students in grades 2-8 may not be required to make up classwork missed when they are scheduled to be in the gifted classroom. Gifted students shall be held accountable for demonstrating mastery of concepts and information on regularly scheduled tests. It should be noted that some gifted students will not be high academic achievers for a variety of reasons. It is not reasonable to expect intellectually gifted students, artistically gifted students, and/or creatively gifted students, by virtue of having been granted one of those gifted eligibility rulings, to make all A's and B's. The exception is academically gifted students in grades 9-12 who have been ruled eligible based upon exceptionally high academic achievement in the pertinent area being served.~~

~~MISSION/PHILOSOPHY STATEMENT~~

~~Each district shall have on file a written Mission/Philosophy Statement with accompanying goals and objectives. This statement shall be available to administrators, teachers, and counselors, and available to parents at the school site.~~

~~INSTRUCTIONAL MANAGEMENT PLAN (IMP)~~

~~Each local school district shall have a written IMP for the intellectually gifted program and for all other gifted programs (academically gifted, artistically gifted, and/or creatively gifted) that the district offers. The IMP shall include, at a minimum, the following components:~~

- ~~_____ 1. _____ District mission/philosophy statement, including goals and objectives,~~
- ~~_____ 2. _____ The components of the Mississippi Gifted Education Program Standards,~~

- ~~_____ a. _____ Differentiated activities,~~
- ~~_____ b. _____ Scope and sequence of program process skills (outcomes),~~
- ~~_____ c. _____ Career exploration and life skills,~~
- ~~_____ d. _____ Exposure to and appreciation for the visual and performing arts,~~
- ~~_____ e. _____ In-class counseling for gifted students,~~
- ~~_____ f. _____ Address the socio-emotional needs of gifted students,~~
- ~~_____ g. _____ Address the affective needs of gifted students, and~~
- ~~_____ h. _____ Address the needs of gifted at-risk students.~~
- ~~_____ 3. _____ Program outcomes for the specific gifted program(s) offered.~~

~~CLASS SIZE~~

~~Maintaining program integrity is of utmost importance. The Mississippi Gifted Education Act of 1989 requires teachers of the gifted to provide a gifted program that meets the individual needs of the gifted students being served. The size of each class in grades 2-8 should be in the range of 4-9 students. Once a class reaches 10 or more students, the integrity of the program could be negatively impacted. The size of each class in grades 9-12 should be 7-14 students. More than 14 students begins to impact on the teacher being able to meet the individual needs of their students.~~

~~PROGRAMMING OPTIONS~~

~~Intellectually Gifted Pull-Out Resource (Grades 2-8)~~

~~A group of all intellectually gifted students is provided services by a properly endorsed teacher in a resource room for a minimum of five hours per week. The activities in the gifted class should develop and enhance the process skills in the outcomes document, the teaching~~

~~strategies notebook, and required components of the gifted program standards document. Some of the activities should be short-term exploratory activities that introduce students to ideas and concepts not normally covered in the regular education program. The activities should enhance the integration of advanced content and individual student's interests utilizing higher-level thinking skills, creative problem solving, critical thinking skills, research skills, personal growth and human relations exercises, leadership skills, and creative expression. Activities should also create an appreciation for the multicultural composition of the school and community.~~

~~Intellectually Gifted (Grades 9-12)~~

~~Intellectually gifted students in grades 9-12 may be served in an academically gifted program. They may also be served in an enrichment pull-out program like the one for intellectually gifted students in grades 2-8. They shall be provided these services by a properly licensed teacher holding a gifted endorsement. The class shall satisfy time requirements for a Carnegie Unit course.~~

~~Academically Gifted (Grades 9-12 only)~~

~~The Mississippi Gifted Education Act of 1989 requires that the GEP shall be in addition to and different from the regular program of instruction. Not all academic classes have been approved for the academically gifted program. Local district personnel should check the gifted section in the *Approved Courses for the Secondary Schools of Mississippi* to determine if a course may be taught as part of an academically gifted program. The IMP for the course must show how it is in addition to and different from the same course if it were taught in the regular education program. Teachers shall have a valid teaching license in the appropriate secondary area and the gifted endorsement. The class shall satisfy time requirements for a Carnegie Unit Course.~~

~~Artistically or Creatively Gifted Resource Program (Grades 2-8)~~

~~Artistically gifted or creatively gifted students are provided services by a properly endorsed teacher in a resource room for a minimum of 5 hours per week. The activities should develop and enhance the process skills in the outcomes document and the integration of advanced content and individual students interest. Activities should also create an appreciation for the multicultural composition of the school and community. The IMP must show how the activities are in addition to and different from classes in the visual/performing arts if they were taught in the regular education program.~~

~~Artistically or Creatively Gifted (Grades 9-12)~~

~~Artistically gifted or creatively gifted students shall be provided courses appropriate to their eligibility ruling. Local district personnel should check the gifted section in the *Approved Courses for the Secondary Schools of Mississippi* to determine if a course may be taught as a part of an artistically gifted or creatively gifted program. The IMP for the program must show how it is in addition to and different from the same course if it were taught in the regular education program. The teacher shall have a valid teaching license in the appropriate secondary area and the gifted endorsement. The district may elect to serve the students in a resource program like the one for artistically gifted or creatively gifted students in grades 2-8. The IMP and the teacher's credentials are the same as above. The class shall satisfy time requirements for a Carnegie Unit course.~~

~~Concurrent Enrollment~~

The student attends regular class part of the day and attends one or more classes at a higher grade level within the district or at an Institution of Higher Learning (IHL) for part of the day. All expenses related to attendance at an IHL are the sole responsibility of the student's family. The classes should be in an academic area identified as a strength during the eligibility process and an academic area of intense personal interest for the student.

NOTE: There is no funding from the state for this option.

Independent Study

The student is allowed to conduct an in-depth individual investigation under the supervision of a properly endorsed teacher of the gifted. The student must develop a written contract with the teacher before beginning the investigation. The contract should include the reason for the investigation, the time line for the investigation, the expected final product, and the expert audience that will critique the final product.

NOTE: A Carnegie Unit may not be awarded for the independent study as there is no course for independent study in the *Approved Courses for the Secondary Schools of Mississippi*.

Mentorship

The gifted student is assigned as an intern to a professional or expert in a selected field related to the student's interest. The student shall develop a written contract with the teacher of the gifted and the mentor. Mentors are required to attend an in-service orientation conducted by the district prior to participating in such a program.

FUNDING OF GIFTED TEACHER UNITS

~~There are two funding formulae for gifted teacher units; one for grades 2-8, and another for grades 9-12.~~

~~All gifted teacher units in grades 2-8 shall be funded as follows:~~

- ~~1. The first teacher unit shall be funded on the basis of a minimum of twenty identified and participating students.~~
- ~~2. The second gifted teacher unit shall be funded when there are forty one identified and participating students.~~
- ~~3. Additional gifted teacher units shall be funded based on the 40 + 1 formula.~~
- ~~4. The teacher serving fewer than twenty students, more than 45 students, or working less than full time in the gifted program shall be prorated.~~
- ~~5. No student may be counted more than once for the purpose of justifying funding of a gifted teacher unit.~~
- ~~6. The data entered into the Mississippi Student Information System (MSIS) shall be the official numbers for the purposes of funding gifted teacher units.~~

~~All gifted teacher units in grades 9-12 shall be funded as follows:~~

- ~~1. If a teacher serves at least 7 identified and participating students and no more than 14 identified and participating students, that class period shall be funded.~~
- ~~2. If the teacher serves fewer than 7 identified and participating students or~~

~~more than 14 identified and participating students, that class period shall be considered for prorated funding.~~

~~3. If the teacher serves at least 7 identified and participating students and no more than 14 students (some of whom are not identified), the class period shall be prorated based upon the percentage of identified students in the class.~~

~~PLANNING TIME~~

~~Each teacher of the gifted in grades 2-8 should have a daily planning period of not more than 60 minutes. This time is needed to allow them to develop activities to meet the individual needs of their gifted students as required by law.~~

~~Each teacher of the gifted in grades 9-12 should have the same planning time as the regular education teachers at that school.~~

~~ASSESSMENT TIME~~

~~One teacher of the gifted may be assigned an average of one 60 minute period per day of assessment time to perform the duties related to referral, assessment, and LSC meetings. If the time is combined it may not exceed one half day per week. Additional teachers of the gifted may be assigned assessment time based upon the following formula:~~

~~1-300 gifted students district wide = 1 assessment teacher
301-600 gifted students district wide = 2 assessment teachers
601-900 gifted students district wide = 3 assessment teachers
Additional assessment time is earned on multiples of 300 + 1 gifted students.~~

~~PROPOSAL FOR GIFTED PROGRAM~~

The Proposal for Gifted Program Form must be submitted to the SBE for approval prior to providing a program for gifted students. Gifted Program Proposals may be approved for a period of up to five years, depending upon the district's annual self-evaluation on the *Mississippi Gifted Education Program Standards* and monitoring reports. Whenever a district makes changes to the local gifted program, the district shall submit a new Proposal for Gifted Program Form to the SBE for approval prior to implementing those changes. Districts shall submit a new Proposal for Gifted Program Form to the SBE within three months of the expiration of latest SBE approved proposal.

~~ANNUAL SELF-EVALUATION OF LOCAL GEP~~

Beginning with the 2006-2007 school year, each district shall submit to the MDE a copy of the local GEP self-evaluation. This evaluation shall be made in accordance with the *Mississippi Gifted Education Program Standards*. It is suggested that the evaluation follow the rubric format of the standards. Written documentation shall be submitted with the evaluation for each rating of 3 or higher. A written corrective action plan approved by the local school board shall be submitted with the evaluation for each rating of 1. This report should be succinct. Falsification of any area of this report could lead to the district's GEP being placed in a probationary status and possible loss of funding.

~~GEP CONTACT PERSON~~

Each local district superintendent shall appoint a GEP Contact Person. This person is the link between the district and the Office of Gifted Education Programs at the MDE. This is not intended to be an additional administrative position at the district level. The GEP Contact Person shall hold a valid gifted endorsement. It is their responsibility to keep the

~~superintendent informed about the local gifted education program and all communications from the MDE regarding gifted education programs.~~

LOSS/REDUCTION IN FUNDING

~~If a district does not comply with the requirements of the Mississippi Gifted Education Act of 1989, the requirements of the *Mississippi Gifted Education Program Standards*, the requirements of these gifted program regulations, or fails to correct a problem identified during a program monitoring visit, state funds for the gifted program shall be withheld from that district until such time that compliance occurs.~~

~~Prior to funds being withheld, the district shall be notified by certified mail of the intent to withhold funds and its right to request a hearing. Should the district decide to request a hearing, the following process shall be followed:~~

- ~~1. Within 10 calendar days after receipt of the notice, the district may apply in writing to the MDE to have a hearing.~~
- ~~2. The MDE shall appoint a hearing officer from the staff at MDE who will hear the merits of the case within 30 calendar days of receipt of the written request for the hearing.~~
- ~~3. It shall be the responsibility of each party to secure the attendance of its witnesses, if any, and any expenses attendant thereto shall be borne by the party calling that witness. Two copies of any written evidence shall be submitted, one for the hearing officer and one for the other party.~~
- ~~4. The hearing officer shall require that all witnesses be sworn before offering testimony. The hearing officer shall not be bound by the common law or statutory rules of evidence or by formal rules for procedure and may conduct~~

~~reasonable questioning of any witness. The hearing officer may limit the examination or cross examination of any witness to keep the hearing focused on the issue of withholding funds and may recess/convene the hearing if necessary.~~

~~5. The MDE shall make a record of the proceedings to include all documents introduced into evidence which shall be available for cost upon the written request of the applicant.~~

~~6. Within 15 working days of the conclusion of the hearing, the hearing officer shall make a recommendation in the following format: (1) purpose of the hearing, (2) summary of evidence presented, and (3) conclusions and recommendations, a copy of which shall be sent to the parties by certified mail.~~

~~7. The completed record along with the hearing officer's recommendation shall be certified to the SBE which shall at its next regularly scheduled meeting consider only the record and shall not consider any evidence or material not included within the record in reaching its final determination.~~

~~8. The SBE shall make its written findings and issue its order, and notice shall be given the district by certified mail. The decision of the SBE is final.~~