

# **Regulations for the Gifted Education Programs in Mississippi**

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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 90<sup>th</sup> 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 90<sup>th</sup> percentile on a normed measure of cognitive abilities.
6. A score at or above the 90<sup>th</sup> 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 90<sup>th</sup> percentile composite/full scale or the 90<sup>th</sup> 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 90<sup>th</sup> 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 85<sup>th</sup> 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 90<sup>th</sup> percentile,
2. A group intelligence measure with a minimal score at the 90<sup>th</sup> 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 90<sup>th</sup> percentile on the total score in the pertinent academic area on a norm-referenced achievement test,
2. A score at or above the 90<sup>th</sup> 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.