

By: Representatives Bennett, Stamps,  
Mickens, Paden, Karriem

To: Education

HOUSE BILL NO. 1168

1 AN ACT TO AMEND SECTION 37-23-179, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE ALL SCHOOL DISTRICTS TO OFFER GIFTED EDUCATION FOR  
3 INTELLECTUALLY GIFTED STUDENTS IN GRADES 7 AND 8 BEGINNING WITH  
4 THE 2022-2023 SCHOOL YEAR; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 37-23-179, Mississippi Code of 1972, is  
7 amended as follows:

8 37-23-179. (1) The board shall specifically promulgate  
9 rules, regulations and guidelines which establish model programs  
10 of gifted education and also establish minimum criteria for gifted  
11 education programs. In providing programs of gifted education,  
12 the local district may use the model programs prepared by the  
13 board or may itself develop programs of gifted education which,  
14 prior to being implemented, shall be approved by the board,  
15 provided, that no such plan or program shall be approved or  
16 continued unless it meets the minimum criteria established by the  
17 board.

18 (2) There is hereby created within the department an office  
19 for gifted education which shall be staffed by such professional,



20 support and clerical personnel as may be necessary to implement  
21 the provisions of Sections 37-23-171 through 37-23-181.

22 (3) All local school districts may have programs of gifted  
23 education for intellectually, creatively and/or artistically  
24 gifted students in Grades 2 through 12 and for academically gifted  
25 students in Grades 9 through 12 approved by the board. Beginning  
26 with the \* \* \* 2022-2023 school year, all local school districts  
27 shall have programs of gifted education for intellectually gifted  
28 students in Grade 2, subject to the approval of the State Board of  
29 Education and the availability of funds appropriated therefor by  
30 line-item. Beginning with the 1994-1995 school year, all local  
31 school districts shall have programs of gifted education for  
32 intellectually gifted students in Grades 2 and 3, subject to the  
33 approval of the State Board of Education. Beginning with the  
34 1995-1996 school year, all local school districts shall have  
35 programs of gifted education for intellectually gifted students in  
36 Grades 2, 3 and 4 subject to the approval of the State Board of  
37 Education. Beginning with the 1996-1997 school year, all local  
38 school districts shall have programs of gifted education for  
39 intellectually gifted students in Grades 2, 3, 4 and 5, subject to  
40 the approval of the State Board of Education. Beginning with  
41 the \* \* \* 2022-2023 school year, all local school districts shall  
42 have programs of gifted education for intellectually gifted  
43 students in Grades 2, 3, 4, 5, \* \* \* 6, 7 and 8 subject to the  
44 approval of the State Board of Education. The programs shall be



45 funded as a part of the exceptional child programs in accordance  
46 with Section 37-19-5(3). Each local school district shall include  
47 as a part of its five-year plan a description of any proposed  
48 gifted education programs of the district. State funded teacher  
49 units for gifted education programs for fiscal year 1994 and  
50 thereafter shall be at least the number funded for gifted  
51 education programs for fiscal year 1993 and any additional numbers  
52 that may be funded by appropriation of the Legislature for those  
53 programs. Additional programs above the number authorized  
54 statewide and expansion of programs using state funds shall be  
55 allowed only in years in which the funding for gifted education  
56 teacher units exceeds the number funded for fiscal year 1993. In  
57 the \* \* \* Adequate Education Program appropriation bill each year,  
58 there shall be a line item specifying the number of special  
59 education teacher units that are to be used for gifted education  
60 programs.

61       **SECTION 2.** This act shall take effect and be in force from  
62 and after July 1, 2022.

