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**V. POTPOURRI**

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# Executive Orders

## EXECUTIVE ORDER MJF 03-12

Bond Allocation **C**Rapides Finance Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2003 (hereafter **A** the 2003 Ceiling **Q**;

(2) the procedure for obtaining an allocation of bonds under the 2003 Ceiling; and

(3) a system of central record keeping for such allocations; and

WHEREAS, the Rapides Finance Authority has requested an allocation from the 2003 Ceiling to finance mortgage loans for owner-occupied single-family residences for low and moderate income families throughout the parish of Rapides, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the private activity bond volume limits for the calendar year of 2003 as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$10,000,000	Rapides Finance Authority	Single Family Mortgage Revenue Bonds

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the **A**pplication for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling **Q** submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect through the end of 2003, provided that such bonds are delivered to the initial purchasers thereof on or before November 4, 2003.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of August, 2003.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0308#107

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

#### Ultra Low-Volume Pesticides (LAC 7:XXIII.145)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:3203, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached Rules and regulations for the application of an ultra low-volume insecticide to be applied to cotton fields infested with boll weevils.

The applications of insecticides in accordance with the current concentration regulations have not been sufficient to control or plant bugs. Failure to allow the concentrations in ultra low-volume (ULV) malathion applications will allow the plant bugs the opportunity to destroy the cotton during the growing season, effectively destroying the cotton crop. The destruction of the cotton crop or a substantial portion of the cotton crop will cause irreparable harm to the economy of northern Louisiana and to Louisiana agricultural producers thereby creating an imminent peril to the health and safety of Louisiana citizens.

This Emergency Rule become effective upon the signature, July 15, 2003, of the commissioner and shall remain in effect for 63 days.

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part XXIII. Pesticides

#### Chapter 1. Advisory Commission on Pesticides

#### Subchapter I. Regulations Governing Application of Pesticides

#### §145. Fixed Wing Aircraft; Standards for Commercial Aerial Pesticide Applications

A. - A.5.b.xxxvi. ...

c. malathion insecticide applied with the following conditions to control plant bugs in cotton:

i. the Commissioner hereby declares that prior to making any aerial application of ULV malathion to cotton, the aerial owner/operator must first register such intent by notifying the Division of Pesticides and Environmental Programs (DPEP) in writing. Upon notification, LDAF shall inspect the aircraft prior to any ULV applications;

ii. spray shall be applied, handled, and stored in accordance with all conditions specified by state or federal regulations, including the strict observance of any buffer zones that may be implied;

iii. aerial applicators shall strictly comply with any and all restrictions or mitigating factors, in regard to sensitive areas, including occupied buildings (churches, schools, hospitals, and homes), lakes, reservoirs, farm ponds, parks, and recreation areas that may be identified by commissioner, and such restriction and mitigation are to be strictly complied with and observed by said aerial applicators;

iv. aerial applicators will adjust flight patterns, to the degree possible, to avoid or minimize flying over sensitive areas. This restriction does not apply to over flight between take-off and the commencement of spray operations, or over flight between termination of spray operations and landing;

v. aerial applicators shall be alert to all conditions that could cause spray deposit outside field boundaries and use their good faith efforts, including adjustment or termination of operations, to avoid spray deposit outside field boundaries;

vi. aerial spraying shall not be conducted when wind velocity exceeds 10 mph;

vii. aerial applicators will terminate application if rainfall is imminent;

viii. insecticide spray will not be applied in fields where people or animals are present. It is the applicator's responsibility to determine if people are present prior to initiating treatment;

ix. spraying shall not be conducted in fields where other aircraft are working;

x. all mixing, loading, and unloading will be in an area where an accidental spill can be contained and will not contaminate a stream or other body of water;

xi. all aerial applications of insecticide shall be at an altitude not to exceed 5 feet above the cotton canopy. However, in fields that are not near sensitive areas, if infield obstructions make the 5-foot aerial application height not feasible, then the aerial height may be extended to such height above the cotton canopy as is necessary to clear the obstruction safely;

xii. the aircraft tank and dispersal system must be completely drained and cleaned before loading. All hoses shall be in good condition and shall be of a chemical-resistant type;

xiii. insecticide tank(s) shall be leak-proof and spray booms of corrosion-resistant materials, such as stainless steel, aluminum, or fiberglass. Sealants will be tested before use;

xiv. the tank(s) in each aircraft shall be installed so the tank(s) will empty in flight. Sight gauges or other means shall be provided to determine the quantity contained in each tank before reloading;

xv. a drain valve shall be provided at the lowest point of the spray system to facilitate the complete draining of the tanks and system while the aircraft is parked so any unused insecticide can be recovered;

xvi. a pump that will provide the required flow rate at not less than 40 pounds per square inch (psi) during spraying operation to assure uniform flow and proper functioning of the nozzles. Gear, centrifugal or other rotary types, will be acceptable on aircraft with a working speed above 150 miles per hour;

xvii. ULV spraying systems with a pumping capacity that exceeds the discharge calibration rate shall have the bypass flow return to the tank bottom in a manner

that prevents aeration and/or foaming of the spray formulation. Pumps utilizing hydraulic drive or other variable speed drives are not required to have this bypass, provided the pump speed is set to provide only the required pressure and the system 3-way valve is used for on/off control at full throw position. Any bypass normally used to circulate materials other than the ULV will be closed for ULV spraying;

xviii. spray booms will be equipped with the quantity and type of spray nozzles specified by the Boll Weevil Eradication Program. The outermost nozzles (left and right sides) shall be equal distance from the aircraft centerline and the distance between the two must not exceed 3/4 of the overall wing span measurement. For helicopters, the outermost nozzles must not exceed three-fourths of the rotor span. For both fixed wing and helicopters, the program will accept the outermost nozzles between 60 percent and 75 percent of the wingspan/rotor span. Longer spray booms are acceptable provided modifications are made to prevent the entrapment of air in the portion beyond the outermost nozzle. Fixed wing aircraft not equipped with a drop type spray boom may require drop nozzles in the center section that will position the spray tips into smoother air to deliver the desired droplet size and prevent spray from contacting the tail wheel assembly and horizontal stabilizer. Most helicopters will be required to position the center nozzles behind the fuselage and dropped into smooth air in order to achieve the desired droplet size;

xix. nozzles, diaphragms, gaskets, etc. will be inspected regularly and replaced when there is evidence of wear, swelling, or other distortion in order to assure optimum pesticide flow and droplet size. Increasing pressure to compensate for restricted flow is unacceptable. A positive on/off system that will prevent dribble from the nozzles is required;

xx. a positive emergency shut-off valve between the tank and the pump, as close to the tank as possible. This valve shall be controllable from the cockpit and supplemented by check valves and flight crew training which will minimize inadvertent loss of insecticide due to broken lines or other spray system malfunction;

xxi. bleed lines in any point that may trap air on the pressure side of the spraying system;

xxii. an operational pressure gauge with a minimum operating range of 0 to 60 psi and a maximum of 0 to 100 psi visible to the pilot for monitoring boom pressure;

xxiii. a 50-mesh in-line screen between the pump and the boom and nozzle screens as specified by the nozzle manufacturer;

xxiv. aircraft equipped so nozzle direction can be changed from 45 degrees down and back to straight back when it is necessary to change droplet size;

xxv. all nozzles not in use must be removed and the openings plugged;

xxvi. nozzle tips for all insecticides shall be made of stainless steel;

xxvii. aircraft shall have an operational Differentially Corrected Global Positioning System (DGPS) and flight data logging software that will log and display the date and time of the entire flight from take-off to landing and differentiate between spray-on and spray-off;

xxviii. aircraft shall have a DGPS with software designed for parallel offset in increments equal to the assigned swath width of the application aircraft. Fixed towers, portable stations, satellite, Coast Guard, or other acceptable methods may provide differential correction. However, the differential signal must cover the entire project area. In fringe areas from the generated signal, an approved repeater may be used. The system shall be sufficiently sensitive to provide immediate deviation indications and sufficiently accurate to keep the aircraft on the desired flight path with an error no greater than 3 feet. Systems that do not provide course deviation updates at 1-second intervals or less will not be accepted;

xxix. a course deviation indicator (CDI) or a course deviation light bar (also CDI) must be installed on the aircraft and in a location that will allow the pilot to view the indicator with direct or peripheral vision without looking down. The CDI must be capable of pilot selected adjustments for course deviation indication with the first indication at 3 feet or less;

xxx. the DGPS must display to the pilot a warning when differential correction is lost, the current swath number, and cross-track error. The swath advance may be set manually or automatically. If automatic is selected, the pilot must be able to override the advance mode to allow respraying of single or multiple swaths;

xxxi. the DGPS must be equipped with a software for flight data logging that has a system memory capable of storing a minimum of 3 hours of continuous flight log data with the logging rate set at 1-second intervals. The DGPS shall automatically select and log spray on/off at 1-second intervals while ferry and turnaround time can be 2-second intervals. The full logging record will include position, time, date, altitude, speed in mph, cross-track error, spray on/off, aircraft number, pilot, job name or number, and differential correction status. The flight data log software shall be compatible with DOS compatible PC computers, dot matrix, laser, or ink jet printers and plotters. The system must compensate for the lag in logging spray on/off. The system will display spray on/off at the field boundary without a sawtooth effect. Must be capable to end log files, rename, and start a new log in flight;

xxxii. the software must generate the map of the entire flight within a reasonable time. Systems that require 5 minutes or more to generate the map for a 3-hour flight on a PC (minimum a 386 microprocessor with 4 MB of memory) will not be accepted. The flight path must clearly differentiate between spray on and off when viewed on the monitor or the printed hard copy. The software must be capable of replaying the entire flight in slow motion; stopping and restarting the replay at any point during the flight; zooming to any portion of the flight for viewing in greater detail and printing the entire flight or the zoomed-in portion. It must have a measure feature that will measure distance in feet between swaths or any portion of the screen and to be able to determine the exact latitude/longitude at any point on the monitor;

xxxiii. flight information software provided by the applicator must have the capability to interface with MapInfo (version 3.0 or 4.0). The interface process must be "user friendly", as personnel will be responsible to operate the system in order to access the information;

xxxiv. application of ULV malathion shall be at an application rate of 12 oz. per acre with no dilutions or tank mixes;

xxxv. applications of ULV malathion shall not be made prior to sunrise on July 15, 2003 and shall not be made after sunset on September 15, 2003;

xxxvi. applications of ULV malathion shall be restricted to 7-day intervals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), amended LR 21:927 (September 1995), LR 26:1964 (September 2000).

Bob Odom  
Commissioner

0308#001

**DECLARATION OF EMERGENCY**

**Department of Agriculture and Forestry  
Office of Forestry**

**Tree Seedling Prices (LAC 7:XXXIX.301)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:4303, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached Rules and regulations regarding tree seedling prices.

An emergency has developed because of the timing factors related to the seasonal nature of forest tree seedling production and sales. This action is proposed to cover the increased costs of nursery production and keep the agency nursery operations within budget constraints. Costs for labor, fertilizers, chemicals, forest seed and equipment continue to increase and those additional costs must be covered by the sales prices of the seedlings produced. Nursery operations are funded entirely through an ancillary budget that is generated entirely by the sale of forest seedlings. The increase is necessary because this operation cannot operate in a deficit budget situation. The seedling crop for this year has already been sowed and is growing with extensive costs related to survival and quality control already invested. It is not possible for other nursery operations to increase their production at this point to compensate for a drop in production by LDAF nurseries. LDAF nurseries are a critically important and cost-effective operation that meets the needs of landowners for the benefit of the entire economy and environment in Louisiana. Every effort is made to keep costs as low as possible for landowners. Rate increases are carefully reviewed and justified, but in this case the timing of information related to those costs necessitated the adoption of an Emergency Rule to bring revenue as close as possible to production costs. These rate increases are necessary to insure continued production on a fiscally sound basis as required.

Advance seedling sales begin on August 1 of each year to allow landowners to plan for the reforestation activities. It is imperative that these rates are officially adopted prior to that date.

These rules become effective upon signature, July 29, 2003, and will remain in effect for 120 days.

These Rules comply with and are enabled by R.S. 3:4303.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XXXIX. Forestry**

**Chapter 3. Tree Seedlings**

**§301. Seedling Prices**

A. The Louisiana Forestry Commission adopts the following prices for forest tree seedlings:

1. improved pine seedlings \$35 per 1000 seedlings;
2. advanced generation seedlings \$42 per 1000 seedlings;
3. special pine seedlings \$75 per 1000 seedlings;
4. hardwood seedlings \$200 per 1000 seedlings;
5. baldcypress seedlings \$200 per 1000 seedlings.

B.1. Volume discounts for bulk loblolly/slash pine seedling orders and contracts shall be as follows.

Order/Sales Volume (Number of seedlings)	Proposed Discounted Sales (M = 1,000 seedlings)
- 1,000,000	\$35.00/M
1,000,001 – 2,000,000	\$34.00/M
2,000,001 – 3,000,000	\$33.00/M
3,000,001 – 4,000,000	\$32.00/M
4,000,001 – 5,000,000	\$31.00/M
5,000,001 – 6,000,000	\$30.00/M
6,000,001 +	\$29.00/M

2. The Office of Forestry seed costs shall be deducted from these prices when seedlings are produced from seed supplied by the customers.

3. When there is a surplus of seedlings above planned or expected sales, a more accelerated rate of price reductions will be considered, subject to the approval of the State Forester and/or the Commissioner of Agriculture and Forestry.

4. This accelerated rate of discount will be applied no earlier than 30 days prior to the anticipated end of the annual lifting season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1503, redesignated R.S. 3:4303.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, Forestry Commission, LR 8:285 (June 1982), amended LR 10:468 (June 1984), amended by the Louisiana Department of Agriculture and Forestry, Office of Forestry, and the Louisiana Forestry Commission, LR 13:432 (August 1987), LR 19:610 (May 1993), LR 21:671 (July 1995), LR 22:1210 (December 1996), LR 26:2437 (November 2000), LR 29:

Bob Odom  
Commissioner

0308#005

# DECLARATION OF EMERGENCY

## Department of Economic Development Office of Business Development Business Resources Division

Louisiana Project Equity Fund  
(LAC 13:III.Chapter 15)

The Department of Economic Development, Office of Business Development, Business Resources Division, pursuant to the Emergency provision of the Administrative Procedure Act, R.S. 49:953(B), adopts the following Rules for the project Equity Fund program, as authorized by R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B). These Emergency Rules are adopted on July 15, 2003 in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall become effective July 15, 2003, and shall remain in effect for the maximum period allowed under the Act or until adoption of a permanent Rule, whichever occurs first.

The Department of Economic Development, Office of Business Development, Business Resources Division has found an immediate need to provide loan funding to companies on a project basis for the purchase of capital equipment, and accompanying necessary inventory and/or technology that introduce innovative development or production of products in Louisiana and that serve to enhance industry clusters. These Emergency Rules are being adopted in response to a market failure for businesses that have opportunities to perform on contracts with Louisiana companies but cannot receive favorable terms from the private sector financial institutions.

### Title 13

### ECONOMIC DEVELOPMENT

#### Part III. Financial Assistance Programs

#### Chapter 15. Louisiana Project Equity Fund

##### §1501. Purpose

A. The purpose of this program is to promote and enhance Louisiana Department of Economic Development's cluster development, the goals of Vision 20/20, Louisiana's long-term plan for economic development, and related public policy for the introduction, growth and retention of Louisiana businesses by providing loan funding for defined business projects. The Louisiana Economic Development Corporation (LEDC) in accordance with R.S. 51:2301 et seq. and R.S. 51:2341 and these Rules may provide loan funding to companies on a project basis for the purchase of capital equipment, and accompanying necessary inventory and/or technology that introduce innovative development or production of products in Louisiana and that serve to enhance industry clusters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

##### §1503. Definitions

*Applicant*—the public entity requesting the loan funding from the Louisiana Project Equity Fund for equipment and other materials to be owned by the public entity during the pendency of the loan and to be utilized by the *company* for the project.

*Award*—the funding of the loan from the LEDC under this program to eligible *applicants*.

*Company*—a legal entity that is duly authorized to do and doing business in Louisiana in need of loan funding for a *project* pursuant to these Rules.

*LED*—the Louisiana Department of Economic Development charged by statute with administering the Project Equity Fund and the *LED* Cluster Directors and assigned staff shall administer the fund provided for by these Rules.

*LEDC Board*—the Board of Directors of the Louisiana Economic Development Corporation and when referred to herein in terms of approval of an *award*, shall mean that the *award* has been approved in accordance with the by-laws and procedures of the Board of Directors whether such approval requires or does not require board approval under those by-laws and procedures.

*Loan Agreement*—the *loan agreement* of contract hereinafter referred to between DED, LEDC, *company* and *applicant* through which the parties by cooperative endeavor or otherwise, including attached or referenced promissory notes, securitization, lease or other appropriate documentation necessary to conventionally protect the interest of the LEDC in the funding of the loan, set forth the terms, conditions and performance objectives of the *award* provided pursuant to these Rules.

*Project*—the undertaking of the *applicant* and *company* for which a loan pursuant to these *Project* Equity Fund Rules are sought and includes introduction of innovative development or production of products to the state of Louisiana that furthers and promotes the development of cluster industries and businesses through the loan funding of capital equipment, accompanying necessary inventory and/or technology that causes and/or enhances the operation of such equipment and results in increased economy and efficiency in Louisiana products.

*Secretary*—the Secretary of the *LED*, who is also the President of LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

##### §1505. General Principles

A. The following general principles will direct the administration of the Louisiana Project Equity Fund.

1. Awards are not to be construed as an entitlement for companies locating or located in Louisiana and are subject to the discretion of the LED, the Secretary of the LED and the LEDC.

2. An award must reasonably be expected to be a significant factor in improving or enhancing economic development, including cluster development, whether in a particular circumstance, or overall.

3. Awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities.

4. Awards that promote retention and strengthening of cluster development of existing businesses will be evaluated using the same procedures and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state will be considered in making the award.



6. Whether or not an award will be made is entirely at the discretion of the LED, its cluster directors, the secretary and the LEDC board and shall depend upon the facts and circumstances of each case, funds available, funds already allocated, and other such factors as the board may, in its discretion deem to be pertinent. The grant or rejection of an application for an award shall not establish any precedent and shall not bind the LED, its cluster directors, the secretary, or the LEDC board to any future course of action with respect to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

#### **§1507. Eligibility**

A. In order to be eligible for a Project Equity Funding Award pursuant to this program, the applicant and company must demonstrate to the satisfaction of the board that the award sought must be consistent with the principles set forth above, and the applicant and company must demonstrate a need for the project funding consistent with the requirements set forth below. Where it is represented that certain contingent actions will be taken in order to comply with these conditions, then the LEDC may, upon recommendation of the LED and its contract monitor, withhold funding until there is substantial performance of the contingencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

#### **§1509. Application for Project Funding**

A. The applicant and the company must jointly submit an application to the LED through its assigned staff and cluster director(s) responsible for the business area that will be subject to the project for which the lending is being sought, in proposal form which shall contain the following information:

1. a business plan providing a detailed description of the project to be undertaken, particularly:

a. the project manufacturing materials and equipment, and/or technology for which the funding is sought and the economic scope of the investment involved in the project;

b. cash flow analysis of the project providing detailed support for the use of the funding provided;

c. the nature of the treatment of the funding in the business plan and cash flow analysis for the project, including a payment schedule for the loan that is consistent with the revenues generated by the innovative manufacturing or technology that is funded for the project;

2. a description of:

a. the project, the capital equipment, accompanying necessary inventory and/or technology that causes and/or enhances the operation of the equipment;

b. the product being produced in the State of Louisiana as a result of the project;

c. the innovative, efficient and/or economical nature (to Louisiana) of the process of production that will result from the project;

d. a description as to how the project furthers and promotes the development of cluster industries and

businesses and will enhance the economic viability of the state and region of the state in which the project is located;

3. a description of the applicant local government entity and the company and the nature of the ownership by the applicant and agreed to by the company, including a schedule for the transfer of ownership from the applicant to the company upon fulfillment of the repayment obligations of the company to the LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

#### **§1511. Loan Funding**

A. All funding applications must be considered by the board after review by the assigned staff and upon recommendation of the relevant cluster director and the secretary. Thereafter, the LEDC board upon such review as may be necessary to make the determination as to the application in accordance with these Rules shall either approve or disapprove the application. Upon approval by the LEDC board:

1. the loan shall be funded pursuant to the loan agreement;

2. the credit provided shall be drawn down in accordance with the schedule provided as approved by the cluster director, secretary and LEDC and incorporated into the loan agreement;

3. the loan agreement shall include appropriate enforceable provisions for the monitoring of the contract;

4. the loan agreement shall include such conventional provisions as may be appropriate to protect and secure the Loan funding provided by the LEDC board pursuant to these Rules;

5. the cluster director making the recommendation for the loan funding shall be designated by the LEDC as the contract monitor for the loan agreement, and the contract monitor shall, on a semi-annual basis, report to the LEDC board on the status and progress of the project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

Don J. Hutchinson  
Secretary

0308#002

### **DECLARATION OF EMERGENCY**

#### **Student Financial Assistance Commission Office of Student Financial Assistance**

Scholarship/Grant Programs  
(LAC 28:IV.301, 507, 509, 701, 703, 705, 803,  
805, 1701, 1703, 1705, 1903, 2103, and 2105)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), to amend the Rules of the Scholarship/Grant programs (R.S. 17:3021-3026, R.S. 3041.10-3041.15, and R.S. 17:3042.1, R.S. 17:3048.1).

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating Rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. LASFAC has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective July 17, 2003, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28**  
**EDUCATION**

**Part IV. Student Financial Assistance**  
**Education Scholarship and Grant Programs**

**Chapter 3. Definitions**

**§301. Definitions**

A. Where the masculine is used, in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

\* \* \*

**Award Amount** can amount equal to Tuition at the school attended, for those students attending a Louisiana public college or university, as determined by the Commission, which may be used by the student to pay any educational expense included in that student's "Cost of Attendance." The amount paid for TOPS and TOPS-Tech Awards shall be as follows.

a. - f. ...

g. For students with the TOPS Opportunity, Performance, and Honors Award enrolled in a Louisiana professional school, the amount shall be equal to the tuition charged or the tuition charged a student pursuing a baccalaureate degree at the highest cost public school, whichever is less or the Weighted Average Award Amount, depending upon whether the Louisiana professional school is a public or private school.

h. For students with the TOPS Opportunity, Performance and Honors Award enrolled in a Louisiana graduate degree program, the amount shall be equal to the tuition or the tuition charged for a student while pursuing a baccalaureate degree at the highest cost public school in the state, whichever is less.

\* \* \*

**Court Ordered Custodian** can adult appointed by a court of competent jurisdiction to have custody and care of a minor, and who demonstrates the requirement to provide the primary support for such minor.

\* \* \*

**Dependent Student** can a student who is dependent on his parents for support and therefore is required to include parental information on the Free Application for Federal Student Aid (FAFSA) or renewal FAFSA.

\* \* \*

**Eligible Noncitizen** can individual who can provide documentation from the Bureau of Citizenship and Immigration Services (BCIS) that he is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident, including, but not limited to, refugees, persons granted asylum, Cuban-Haitian entrants, temporary residents under the recent Immigration Reform

and Control Act of 1986, and others. A permanent resident of the United States must provide documentation from the BCIS to verify permanent residency. For 1997, 1998 and 1999 high school graduates, an Eligible Noncitizen shall be treated as meeting the citizenship requirements for an award under this Part.

**Full-Time Student**

a. - d. ...

e. a student enrolled in two or more institutions of higher education when such multiple enrollment is necessary for the student to gain access to the courses required for completion of the degree in the chosen discipline and where the total number of hours earned at all institutions during the academic year is the equivalent of carrying a full-time academic workload as determined by the institution which will award the degree;

f. correspondence courses may not be used to establish full time status;

g. ...

**Honors Curriculum Courses** any course designated by the respective school district as advanced placement, honors or gifted.

\* \* \*

**Louisiana Resident**

a. any independent student or any dependent student with at least one parent or court ordered custodian who has resided in the state for a minimum of 24 consecutive months immediately preceding the month of high school graduation or the month of May in the Academic Year (High School) that a student completes a home study program or some other period of residency which is required to qualify the person for a specific program administered by the LASFAC. To qualify for a program under Part IV of these rules, in addition to the certification of residency found on the application form, the administering agency may require an independent student applicant or the parent(s) or Court Ordered Custodian of a dependent student applicant to show proof of residency. Residency may be established by completion of a standard affidavit developed by the administering agency. Such affidavits must be completed in their entirety by the independent student applicant or by at least one parent or Court Ordered Custodian of the dependent student applicant and be sworn to and notarized by a licensed notary public. Further, the affiant shall be required to submit records in support of the affidavit to include the following records and such other records as may be required by the administering agency:

i. if registered to vote, a Louisiana voters registration card; and

ii. if licensed to drive a motor vehicle, a Louisiana driver's license; and

iii. if owning a motor vehicle located in Louisiana, a Louisiana registration for that vehicle; and

iv. if earning a reportable income, a Louisiana tax return.

b. any member of the Armed Forces on active duty whose official state of legal residence is Louisiana as demonstrated by the member's DD Form 2058 validated by the member's military personnel officer or other documentary proof and who has filed a Louisiana tax return for the most recent two years in compliance with Clause a.iv, above;

c. any member of the Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than 180 days after reporting to such station, changes his military DD Form 2058 to reflect Louisiana as his state of legal residence, and complies with all Louisiana income tax laws and regulations while stationed in Louisiana. A copy of the Permanent Change of Station (PCS) Orders and a DD Form 2058 validated by the member's military personnel officer and showing Louisiana as the member's state of legal residence must be submitted to the Louisiana Office of Student Financial Assistance (LOSFA) at the time the service member's dependent applies for TOPS. The DD Form 2058 must reflect that it was filed within 180 days after the member reported to duty at a duty station in Louisiana;

d. - d.iii. ...

e. effective for high school graduates beginning with Academic Year (High School) 2002-2003, any independent or dependent student who actually resides in Louisiana during his last two full years of high school. In order to qualify pursuant to this subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school;

f. effective for high school graduates beginning with Academic Year (High School) 2000-2001, any dependent student who actually resided in Louisiana during his last two full years of high school and whose parent is a member of the United States Armed Forces living in Louisiana under permanent change of station orders, but who does not claim Louisiana as his official state of legal residence. In order to qualify pursuant to this subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school;

g. effective for high school graduates beginning with Academic Year (High School) 2001-2002, any dependent student who was continuously enrolled in a Louisiana public high school or nonpublic high school that is approved by BESE during his last two full years of high school whose parent or court ordered custodian:

i. is a resident of a state that adjoins Louisiana; and

ii. actually resides in a municipality having geographical boundaries that include a portion of Louisiana; and

iii. has filed a Louisiana state income tax return and has complied with state income tax laws and regulations; or

iv. is assessed ad valorem taxes on property owned in Louisiana.

In order to qualify pursuant to this subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school.

\* \* \*

**Orphan** Ca person who does not live with either parent because the parent(s) is/are dead or has/have abandoned him or the parental rights of the parent(s) has/have been severed by competent authority.

\* \* \*

**Returning Student** Ca student who graduated from high school beginning with Academic Year (High School) 2001-2002, met all the requirements for a TOPS Award and was notified of his TOPS eligibility by LOSFA, but who enrolled for the first time as a full time student no later than the deadline established in §703.A.4 in an out-of-state postsecondary institution accredited by a regional accrediting organization recognized by the United States Department of Education and thereafter returns to Louisiana and enrolls as a full time student in an Eligible College or University.

\* \* \*

**TOPS Cumulative High School Grade Point Average** C

a. effective for high school graduates beginning with Academic Year (High School) 2002-2003, the grade point average calculated by LOSFA including only the grades achieved in those courses that were used to satisfy core curriculum requirements. In the event a student has received credit for more than 16.5 hours of courses that are included in the core curriculum, the TOPS Cumulative High School Grade Point Average shall be calculated by using the course in each core curriculum category for which the student received the highest grade. For example, if a student has taken more than one Advanced Mathematics course, the Cumulative Grade Point Average shall be determined by using only the course in which the student has received the highest grade;

b. effective for high school graduates beginning with Academic Year (High School) 2002-2003, the grade point average for students qualifying for a Performance Award using a minimum ACT score of 24 and a minimum grade point average of 3.00 must include at least 10 Units of Honors Curriculum Courses (See §703.A.5.f.ii.);

c. effective for high school graduates beginning with Academic Year (High School) 2007-2008, the grade point average shall be calculated on 17.5 hours of courses that are included in the core curriculum;

d. For those high schools that utilize other than a 4.00 scale, all grade values shall be converted to a 4.00 scale utilizing the following formula:

$$\frac{\text{Quality Points Awarded for the Course}}{\text{Maximum Points Possible for the Course}} = \frac{X (\text{Converted Quality Points})}{4.00 (\text{Maximum Scale})}$$

For example, if a school awards a maximum of 5 points for honors courses, the school must use the following formula to convert an honors course grade of "C":

$$\frac{300}{5.00} = \frac{X}{4.00}$$

By cross multiplying,

$$5X = 12; X = 2.40$$

Quality points = Credit for course multiplied by the value assigned to the letter grade.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (July 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26: 2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1842, 1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 29:

## **Chapter 5. Application; Application Deadlines and Proof of Compliance**

### **§507. Final Deadline for Submitting Documentation of Eligibility**

A. - B. ...

C.1. Returning Students, who graduated high school prior to or during the 2002-2003 Academic Year (High School) must apply for reinstatement no later than May 1, 2004.

2. Returning Students who graduate during the 2003-2004 Academic Year (High School) or later must apply for reinstatement no later than May 1 of the Academic Year (College) the student seeks reinstatement. For example, a student who graduates in May 2004 and seeks to return to an Eligible College or University for the spring semester of 2005 must submit his application for reinstatement no later than May 1, 2005.

D.1. A student who successfully completed an undergraduate degree prior to or during the 2001-2002 Academic Year (College) and wishes to receive his remaining award eligibility to attend a graduate or professional school must provide the documentation and certifications required to establish student eligibility no later than May 1, 2004.

2. A student who successfully completes an undergraduate degree during the 2002-2003 Academic Year (College) or later and wishes to receive his remaining award eligibility to attend a graduate or professional school must provide the documentation and certifications required to establish student eligibility no later than May 1 of the Academic Year (College) the student seeks to receive his remaining award eligibility. For example, to receive the remaining award for the 2003-2004 Academic Year (College), the student must submit the required documents no later than May 1, 2004.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:635 (April 1998), amended LR 24:1901 (October 1998), repromulgated LR 27:1847 (November 2001), amended LR 28:447 (March 2002), LR 29:

### **§509. ACT Testing Deadline**

A. - B. ...

C. Final ACT Testing Deadline for Reduced Awards

1.a. Beginning with awards made to applicants graduating in Academic Year (High School) 2000 through 2003, if an applicant does not achieve a qualifying score on the ACT or on the SAT for the TOPS Opportunity Award by the April national ACT test date in the year of the applicant's high school graduation, then the applicant's first qualifying

score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted. However, when granting an award to an applicant whose qualifying test score is obtained on an authorized testing date after the date of the applicant's high school graduation but prior to July 1 of the year of such graduation, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. Except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

b. Beginning with awards made to applicants graduating in Academic Year (High School) 2004, if an applicant does not achieve a qualifying score on the ACT or on the SAT for the TOPS Opportunity Award by the April national ACT test date in the year of the applicant's high school graduation, then the applicant's first qualifying score for any TOPS Award obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted. However, when granting an award to an applicant whose qualifying test score is obtained on an authorized testing date after the April national ACT test date in the year of the applicant's high school graduation but prior to July 1 of the year of such graduation, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. Except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

c. For the purpose of the Subsection, the "April national ACT test date" shall be defined as the month of April.

2. Students who fail to achieve an ACT or SAT qualifying score prior to July 1 of the year of high school graduation shall not be considered for an award.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 29:

## **Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards**

### **§701. General Provisions**

A. - E.11.c. ...

12. A student who successfully completes an undergraduate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in graduate or professional school at an Eligible College or University no later than the fall

semester following the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

F. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999) LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26: 1995, 2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:879 (June 2003), LR 29:

**§703. Establishing Eligibility**

A. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, the student applicant must meet all of the following criteria:

1.a. for students graduating in Academic Year (High School) 2001-2002 and prior, be a United States citizen, provided however, that a student who is not a citizen of the United States but who is eligible to apply for such citizenship shall be deemed to satisfy the citizenship requirement, if within 60 days after the date the student attains the age of majority, the student applies to become a citizen of the United States and obtains such citizenship within one year after the date of the application for citizenship. Those students who are eligible for U. S. citizenship and who otherwise qualify for a TOPS award, will continue to satisfy the citizenship requirements for a TOPS award for one year after the date of the student's application for citizenship, at which time, if the student has not provided proof of U.S. citizenship to the Office of Student Financial Assistance, the student's TOPS award will be suspended until such time as proof of citizenship is provided and canceled if such proof is not provided by May 1 of the following Academic Year (College). Students cancelled solely due to their failure to become a United States citizen within one year after the date of application shall be reinstated to their award if they are a United States citizen or a permanent resident as defined by the Bureau of Citizenship and Immigration Services and were eligible to apply for United States citizenship when cancelled and have met the requirements for maintaining eligibility for the award;

b. for students graduating in Academic Year (High School) 2002-2003 and thereafter, be a United States citizen or be a permanent resident as defined by the Bureau of Citizenship and Immigration Services and be eligible to apply for United States citizenship.

2 - 4. ...

5. a. graduate from an eligible public or nonpublic Louisiana high school or non-Louisiana high school defined in §1701.A.1, 2, or 3; and

i.(a). for students graduating in Academic Year (High School) 2006-2007 and prior, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (one unit) or Applied Algebra 1A and 1B (two units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (one unit combined) or Civics (one unit, nonpublic)
1	Fine Arts Survey; (or substitute two units performance courses in music, dance, or theater; or two units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Computer /Technology Applications (1 credit) Computer Architecture (1 credit) Computer/Technology Literacy (1/2 credit) Computer Science I (1 credit) Computer Science II (1 credit) Computer Systems and Networking I (1 credit) Computer Systems and Networking II (1 credit) Desktop Publishing (1/2 credit) Digital Graphics and Animation (1/2 credit) Multimedia Productions (1 credit) Web Mastering (1/2 credit) Independent Study in Technology Applications (1 credit)

(b). Beginning with the graduates of Academic Year (High School) 2007-2008, at the time of high school graduation, an applicant must have successfully completed 17.5 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (one unit) or Applied Algebra 1A and 1B (two units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology

1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (one unit combined) or Civics (one unit, nonpublic)
1	Fine Arts Survey; (or substitute two units performance courses in music, dance, or theater; or two units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1 1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one and one-half units of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education (BESE). BESE has approved the following courses as computer related for purposes of satisfying the 1 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Computer/Technology Applications (1 credit) Computer Architecture (1 credit) Computer/Technology Literacy (1/2 credit) Computer Science I (1 credit) Computer Science II (1 credit) Computer Systems and Networking I (1 credit) Computer Systems and Networking II (1 credit) Desktop Publishing (1/2 credit) Digital Graphics & Animation (1/2 credit) Multimedia Productions (1 credit) Web Mastering (1/2 credit) Independent Study in Technology Applications (1 credit)

b. - e. ...

f.i. for students graduating in Academic Years (High School) 2000-2001 and 2001-2002, successfully complete a minimum of 10 units in honors courses graded on a 5.00 scale and graduate from an eligible public or nonpublic Louisiana high school or non-Louisiana high school defined in §1701.A.1, 2, or 3 and have completed the core curriculum defined in §703.A.5.a.i;-

ii. for students graduating Academic Year (High School) 2002-2003 through 2005-2006, successfully complete a minimum of 10 units in Honors Curriculum Courses used to satisfy the core curriculum requirement and graded on a 4.00 or higher scale and graduate from an eligible public or nonpublic Louisiana high school or non-Louisiana high school defined in §1701.A.1, 2, or 3, and have completed the core curriculum defined in §703.A.5.a.i; and

6. have achieved an ACT Score, as defined in §301 of at least:

- a. if qualifying under the terms of §703.A.5.a or b;
  - i. the state's reported prior year ACT composite average, rounded, but never less than 20 for the Opportunity Award; or
  - ii. a 23 for the Performance Award; or
  - iii. a 27 for the Honors Award; or
- b. if qualifying under §703.A.5.c or d;
  - i. the state's reported prior year average plus 3 points, rounded, but never less than 23 for the Opportunity Award; or
  - ii. a 26 for the Performance Award; or
  - iii. a 30 for the Honors Award; and
- c. if qualifying under §703.A.5.e, which is limited to the Opportunity Award only, the state's reported prior year average plus 3 points, rounded, but never less than 23;
- d. if qualifying under §703.A.5.f, which is limited to the Performance Award only, a 24; and

7. - 8. ...

B. Students Qualifying:

1. under §703.A.5.a and b, must have attained a cumulative high school grade point average, based on a 4.00 maximum scale, of at least:

- a. a 2.50 for the Opportunity Award; or
- b. a 3.50 for the Performance or Honors Awards;

2. under §703.A.5.f and graduating in Academic Year (High School) 2000-2001 through 2005-2006, must have attained a TOPS Cumulative High School Grade Point Average, based on a 4.00 maximum scale, of at least a 3.00 for the Performance Award.

C. - G.2. ...

H. Returning Students

1. A Returning Student, as defined in §301, is eligible for a TOPS Award if:

a. he submits a request for reinstatement that includes:

- i. the name of the Louisiana school in which he has enrolled or will enroll; and
- ii. his official transcripts from all out-of-state colleges and universities attended; and

b. he met all the requirements to maintain his award that would have been applicable had the student enrolled in an Eligible College or University during the time the student was enrolled in an out-of state college or university; and

c. he enrolled in an Eligible College or University no later than the next semester or term, excluding summer sessions and intersessions, immediately following the last semester he was enrolled in the out-of state college or university.

2. A Returning Student who fails to enroll by the deadline established in §703.A.4 or to maintain full time enrollment or to earn 24 hours during an Academic Year (College) while enrolled in an out-of-state college or university, shall not be eligible for a TOPS Award unless granted an exception in accordance with §2103.

3. The period of eligibility of a Returning Student shall be reduced by each semester or term the student was enrolled in an out-of state college or university.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602, 1998 (August 2000), LR 26:1996, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), LR 27:1850 (November 2001), LR 28:772 (April 2002), LR 28:1760 (August 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:

**§705. Maintaining Eligibility**

A. To continue receiving the TOPS Opportunity, Performance or Honors Awards, the recipient must meet all of the following criteria:

1. have received less than four years or eight semesters of TOPS Award funds, except as provided in §701.E.1.b, §701.E.2.b and §701.E.3.b; and

2 - 4. ...

5. continue to enroll and accept the TOPS award as a full-time undergraduate student, professional or graduate student in an Eligible College or University defined in §301, and maintain an enrolled status throughout the academic term, unless granted an exception for cause by LASFAC; and

6. minimum academic progress:

a. in an academic undergraduate program at an Eligible College or University, by the end of each Academic Year (College), earn a total of at least 24 college credit hours as determined by totaling the earned hours reported by the institution for each semester or quarter in the Academic Year (College). These hours shall include remedial course work required by the institution, but shall not include hours earned during Qualified Summer Sessions, summer sessions nor intersessions nor by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility; or

b. ...

c. in an academic graduate or professional program at an Eligible College or University, by the end of each Academic Year (College), earn at least the total college credit hours required by the college or university for full time enrollment for each semester or quarter as determined by totaling the earned hours reported by the institution for each semester or quarter in the Academic Year (College). These hours shall not include hours earned during Qualified Summer Sessions, summer sessions nor intersessions nor by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility, and

7. ...

8. maintain at an Eligible College or University, by the end of the spring semester, quarter, or term, a cumulative college grade point average (GPA) on a 4.00 maximum scale of at least:

a. a 2.30 with the completion of less than 48 credit hours, a 2.50 after the completion of 48 credit hours, for continuing receipt of an Opportunity Award, if enrolled in an academic program; or

b. ...

c. a 3.00 for continuing receipt of either a Performance or Honors Award; or

d. the minimum grade necessary to maintain good standing, if enrolled in a graduate or professional program; and

9. ...

10. has not been enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree for more than two years.

B. Students failing to meet the requirements listed in §705.A.7 or §705.A.8.a, b, or c may have their tuition awards reinstated upon regaining Steady Academic Progress (See §301.) and/or attainment of the required GPA, if the period of ineligibility did not persist for more than two years from the date of loss of eligibility. Students who fail to meet the continuation requirements of §705.A.8.c, but who meet the continuation requirements of §705.A.8.a or b., shall no longer be eligible for the stipend authorized for the Performance and Honors Awards, but shall continue to

receive the award amount for the Opportunity Award. If the two year period is interrupted due to a student's active duty in the United States Armed Forces, the two year period will be extended for a length of time equal to the student's active duty service, not to exceed four years.

C. In the event the administering agency determines that an ineligible student has received an award as the result of an administrative error or erroneous information provided by the student or the student's parent(s) or Court Ordered Custodian or incorrect certification from the student's high school, the student's eligibility for the award shall be terminated and no further awards shall be made to the ineligible student. If an ineligible student has received an award due to an administrative error or incorrect certification, the administering agency will not pursue recoupment from the student of funds that were awarded. If an erroneous award has been made and the administering agency determines that the award was made based upon incorrect information submitted by the student or the student's parent(s) or Court Ordered Custodian, the administering agency may seek reimbursement from the student, the student's parent(s) or Court Ordered Custodian, and if it is further determined that the award was made due to an intentional misrepresentation by the student, the student's parent(s) or Court Ordered Custodian, then the administering agency shall refer the case to the Attorney General for investigation and prosecution. If a student or the student's parent(s) or Court Ordered Custodian is suspected of having intentionally misrepresented the facts which were provided to the administering agency and used by it to determine the eligibility of the student for the program and the administering agency has referred the case to the Attorney General for investigation, then the student shall remain ineligible for future award consideration pending an outcome of said investigation which is favorable to the student.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26, 1996, 2001 (September 2000), LR 27:1853 (November 2001), LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:

## **Chapter 8. TOPS-TECH Award**

### **§803. Establishing Eligibility**

A. To establish eligibility for the TOPS-TECH Award, the student applicant must meet the following criteria:

1.a. for students graduating in Academic Year (High School) 2001-2002 and prior, be a United States citizen, provided however, that a student who is not a citizen of the United States but who is eligible to apply for such citizenship shall be deemed to satisfy the citizenship requirement, if within 60 days after the date the student attains the age of majority, the student applies to become a citizen of the United States and obtains such citizenship within one year after the date of the application for citizenship. Those students who are eligible for U. S. citizenship and who otherwise qualify for a TOPS award, will continue to satisfy the citizenship requirements for a

TOPS award for one year after the date of the student's application for citizenship, at which time, if the student has not provided proof of U.S. citizenship to the Office of Student Financial Assistance, the student's TOPS award will be suspended until such time as proof of citizenship is provided and canceled if such proof is not provided. Students cancelled solely due to their failure to become a United States citizen within one year after the date of application shall be reinstated to their award if they are a United States citizen or a permanent resident as defined by the Bureau of Citizenship and Immigration Services and were eligible to apply for United States citizenship when cancelled and have met the requirements for maintaining eligibility for the award;

b. for students graduating in Academic Year (High School) 2002-2003 and thereafter, be a United States citizen or be a permanent resident as defined by the Bureau of Citizenship and Immigration Services and be eligible to apply for United States citizenship.

2. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:1898 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65, 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), LR 27:1854 (November 2001), LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 29:

### **§805. Maintaining Eligibility**

A. To continue receiving the TOPS-TECH Award, the recipient must meet all of the following criteria:

1. have received the TECH-TECH Award for not more than two years, except as provided by §805.C, or unless reduced as required by §503.D;

2. - 7. ...

8. maintain, by the end of the spring term, a cumulative college grade point average of at least 2.50 on a 4.00 maximum scale; and

9. - 10. ...

B. Students failing to meet the requirements listed in §805.A.7 and 8 may have their tuition awards reinstated upon achieving Steady Academic Progress, as defined in §301, and the attainment of the required grade point average, if the period of ineligibility did not persist for more than one year from the date of loss of eligibility. If the one year period is interrupted due to a student's active duty in the United States Armed Forces, the one year period will be extended for a length of time equal to the student's active duty service, not to exceed four years.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998), LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), LR 27:1856 (November 2001), LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29, LR 29:879 (June 2003), LR 29:

## **Chapter 17. Responsibilities of High Schools, School Boards, Special School Governing Boards, the Louisiana Department of Education and LASFAC on Behalf of Eligible Non-Louisiana High Schools**

### **§1701. Eligibility of Graduates Based upon the High School Attended**

A. - A.3.d. ...

#### **4. Out-of-State High Schools**

a. All other public or non-public high schools located in one of the United States or territories of the United States, other than Louisiana, which have been approved by the state or territory's chief school officer as listed in the Louisiana Department of Education Bulletin 1462, or by the public body which is that state's or territory's equivalent of the Louisiana Board of Elementary and Secondary Education (BESE), or which high school has been approved by the Southern Association of Colleges and Schools' Commission on Secondary and Middle Schools and can demonstrate that it meets the standards adopted by BESE for approval of nonpublic schools of Louisiana as set forth in §1701.A.2, above or, for students graduating during the 2002-2003 school year and thereafter, which high school has been approved by a regional accrediting organization recognized by the United States Department of Education and can demonstrate that it meets the standards adopted by BESE for approval of nonpublic schools of Louisiana as set forth in §1701.A.2, above, and those high schools located in foreign countries which have been authorized or approved by a Department in the Executive Branch of the United States government to teach the dependents of members of the U.S. Armed Forces stationed abroad;

A.4.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:642 (April 1998), amended LR 24:1911 (October 1998), LR 25:849 (May 1999), LR 26:68 (January 2000), LR 26:1997 (September 2000), LR 27:1862 (November 2001), LR 29:

### **§1703. High School's Certification of Student Achievement**

A. - B.1.b. ...

2.a. Through the 2002 Academic Year (High School), the certification form shall contain, but is not limited to, the following reportable data elements:

i. student's name, address, phone number and social security number;

ii. month and year of high school graduation;

iii. final cumulative high school grade point average for all courses attempted, converted to a maximum 4.00 scale, if applicable (Note: Beginning with students graduating in 2002-2003, the cumulative high school grade point average will be calculated by using only grades obtained in completing the core curriculum.); and

iv. through the graduating class of the Academic Year (High School) 2002-2003, number of core units earned and the number of core units unavailable to the student at the school attended. After the graduating class of the Academic Year (High School) 2002-2003, core unit requirements may not be waived.



b. Commencing with the 2003 Academic Year (High School), certification shall contain, but is not limited to, the following reportable data elements:

- i. student's name and Social Security number;
- ii. month and year of high school graduation;
- iii. the course code for each course completed;
- iv. the grade for each course completed;
- v. designation of each Honors Curriculum

Course;

- vi. the grading scale for each course reported;
- vii. list the high school attended for each course reported; and

- viii through the graduating class of the Academic Year (High School) 2002-2003, number of core units earned and the number of core units unavailable to the student at the school attended. After the graduating class of the Academic Year (High School) 2002-2003, core unit requirements may not be waived.

B.3. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:643 (April 1998), amended LR 24:1912 (October 1998), LR 25:258 (February 1999), LR 26: (September 2000), LR 26: (October 2000), LR 27:1863 (November 2001), LR 29:879 (June 2003), LR 23:

#### **§1705. Notification of Certified Students**

A. Through the 2002 Academic Year (High School), if the certifying authority elects to notify students of their certification, then the following disclaimer shall be included in any communication to the student: "Although you have been certified as academically eligible for a Tuition Opportunity Program for Students (TOPS) Award, you must satisfy all of the following conditions to redeem a scholarship under this program:

1. you must be a Louisiana resident as defined by the Louisiana Student Financial Assistance Commission; and

2. you must be accepted for enrollment by an eligible Louisiana college and be registered as a full-time undergraduate student; and

3. you must annually apply for federal student aid, if eligible for such aid, by the deadline required for consideration for state aid; and

4. you must have met all academic and nonacademic requirements and be officially notified of your award by the Louisiana Student Financial Assistance Commission (LASFAC)."

B. Commencing with the 2003 Academic Year (High School), if the certifying authority elects to notify students of their potential eligibility for an award, then the following disclaimer shall be included in any communication to the student: "Although it appears that you have satisfied the academic requirements for a Tuition Opportunity Program for Students (TOPS) Award based on this school's review of the core curriculum courses you have completed and calculation of your TOPS Cumulative High School Grade Point Average, you must satisfy all of the following conditions to redeem a scholarship under this program:

1. the Louisiana Student Financial Assistance Commission (LASFAC) must determine that you have in fact completed the TOPS core curriculum courses;

2. LASFAC must determine that your TOPS Cumulative High School Grade Point Average based on the TOPS core curriculum meets the statutory requirements;

3. you must be a Louisiana resident as defined by LASFAC;

4. you must be accepted for enrollment by an eligible Louisiana postsecondary institution and be registered as a full-time undergraduate student no later than the next semester following the first anniversary of your graduation from high school;

5. you must apply for federal student aid, if eligible for such aid, by the deadline required for consideration for consideration for state aid; and

6. you must have met all academic and nonacademic requirements and be officially notified of your award by LASFAC."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:644 (April 1998) and amended LR 24:1913 (October 1998), repromulgated LR 27:1864 (November 2001), amended LR 29:126 (February 2003), LR 29:879 (June 2003), LR 29:

#### **Chapter 19. Eligibility and Responsibilities of Postsecondary Institutions**

##### **§1903. Responsibilities of Postsecondary Institutions**

A. - B.5. ...

6. upon the school's certification that a recipient of a TOPS Award is enrolled full-time, institutions shall bill for and LASFAC will reimburse the institution for each such recipient as follows:

- a. public colleges and universities may bill for an amount up to the maximum tuition for that institution, as defined in §301;

- b. Louisiana Technical College campuses may bill for an amount up to the tuition for that institution, as defined in §301;

- c. LAICU member colleges and universities may bill for students enrolled in academic programs an amount up to the Weighted Average Award Amount, as defined in §301;

- d. LAICU member colleges and universities may bill for students enrolled in nonacademic programs an amount up to the Average Award Amount (TOPS-Tech), as defined in §301;

- e. for recipients of the Performance and Honors awards, institutions may bill LASFAC for the stipend that accompanies these awards, in the amounts of \$200 or \$400 per semester, respectively;

- f. for students enrolled in a public professional school, institutions may bill LASFAC an amount equal to the tuition charged or the tuition charged a student pursuing a baccalaureate degree at the highest cost public school, whichever is less;

- g. for students enrolled in a LAICU professional school, institutions may charge the Weighted Average Award Amount;

- h. for students enrolled in graduate school, institutions may bill LASFAC an amount equal to the tuition or the tuition charged for a student while pursuing a baccalaureate degree at the highest cost public school in the state, whichever is less.

7. ...

8. Before applying a TOPS award to pay a student's tuition, institutions shall first apply the student's "out-of-pocket" payments, including student loans, toward tuition charges. In those cases when a student's tuition as defined in 26 U.S.C. 25A is paid from a source other than the TOPS award, the institution shall apply the TOPS award toward payment of expenses other than tuition which are described in the term "cost of attendance" as that term is defined in 20 U.S.C. 1087 11, as amended, for the purpose of qualifying the student or his parent or Court Ordered Custodian for the federal income tax credits provided for under 26 U.S.C. 25A.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25: 1459 (August 1999), LR 26:1998, 2002 (September 2000), LR 27:1864 (November 2001), LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 29:

**Chapter 21. Miscellaneous Provisions and Exceptions**  
**§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements**

A. - C.3. ...

D. Procedure for Requesting Exceptions to the Initial and Continuous Enrollment Requirement

1. The student should complete and submit an application for an exception, with documentary evidence, to the Office as soon as possible after the occurrence of the event or circumstance that supports the request. Through the 2000-2001 academic year, the student must submit application for an exception no later than May 30 of the academic year the student requests reinstatement. Commencing with the 2001-2002 academic year, the student must submit the application for exception no later than six months after the date of the notice of cancellation, except that a Returning Student must submit the application for exception no later than six months after the date of the notice of ineligibility due to failure to meet the continuing eligibility requirements of §705. The deadline for filing the exception shall be prominently displayed on the notice of cancellation. If the applicant for an exception is a Dependent Student, a parent or Court Ordered Custodian of the Dependent Student may submit the application for exception on behalf of the applicant.

2. - 3. ...

E. Qualifying Exceptions to the Initial and Continuous Enrollment Requirement. A student who has been declared ineligible for TOPS, TOPS-Tech, TOPS Teacher or the Rockefeller State Wildlife Scholarship because of failure to meet the initial or continuous enrollment requirements may request reinstatement in that program based on one or more of the following exceptions:

1. - 3. ...

4. Temporary Disability

a. Definition. The student/recipient is recovering from an accident, injury, illness or required surgery, or the student/recipient is providing continuous care to his/her

spouse, dependent, parent, stepparent, or custodian due to an accident, illness, injury or required surgery.

b. ...

c. Maximum Length of Exception

i. Up to four consecutive semesters (six consecutive quarters) for recipient;

ii. up to a maximum of two consecutive semesters (three consecutive quarters) for care of a disabled dependent, spouse, parent, or custodian.

5. - 7.c. ...

8. Death of Immediate Family Member

a. Definition. The student's spouse, parent, stepparent, custodian, dependent, sister or brother, step sibling, or grandparent dies.

8.b. - 10. ...

11. Exceptional Circumstances

a. Definition. The student/recipient has exceptional circumstances, other than those listed in §2103.E.1-10, which are beyond his immediate control and which necessitate full or partial withdrawal from, or non-enrollment in an eligible postsecondary institution.

i. The following situations are not exceptional circumstances:

E.11.a.i.(a) - (h). ...

(i). An involuntary drop, suspension, or withdrawal from enrollment because of academics, scholastics, or failure to attend classes or to comply with institutional regulations.

(j). A suspension or expulsion for misconduct.

(k). An inability to register because of failure to satisfy financial obligations.

E.11.a.ii - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1017 (May 2000), LR 26:2004 (September 2000), LR 27:37 (January 2001), LR 27:1875 (October 2001), LR 27:1866 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330, 2333 (November 2002), LR 29:126 (February 2003), LR 29:

**§2105. Repayment Obligation, Deferment and Cancellation**

A. - B.3.c. ...

4. Temporary Disability

a. Definition. The recipient is recovering from an accident, injury, illness or required surgery, or the recipient is providing continuous care to his/her spouse, dependent, parent, stepparent, or custodian due to an accident, illness, injury or required surgery.

b. - b.iii. ...

c. Maximum Length of Deferment. Up to two years for recipient; up to a maximum of one year for care of a disabled dependent, spouse, parent, or custodian.

C. ...

D. Procedure for Requesting a Deferment

1. The recipient should complete and submit an application for a deferment, with documentary evidence, to the Office as soon as possible after the occurrence of the event or circumstance that supports the request. The recipient must submit the application for deferment no later than three months after the date of the notice of repayment.

The deadline for filing the request shall be prominently displayed on the notice of repayment. If the applicant for a deferment is a Dependent Student, a parent or Court Ordered Custodian of the Dependent Student may submit the application for exception on behalf of the applicant.

E. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), LR 28:775 (April 2002), LR 28:2331 (November 2002), LR 29:

George Badge Eldredge  
General Counsel

0308#047

**DECLARATION OF EMERGENCY**

**Tuition Trust Authority  
Office of Student Financial Assistance**

Student Tuition and Revenue  
Trust (START Saving) Program  
(LAC 28:VI.107, 301, 303, 305,  
307, 309, 311, 313, and 315)

The Louisiana Tuition Trust Authority (LATTA) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091 et seq.).

This Emergency Rule is necessary to allow the Louisiana Office of Student Financial Assistance and educational institutions to effectively administer these programs. A delay in promulgating Rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. LATTA has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective July 17, 2003, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28**

**EDUCATION**

**Part VI. Student Financial Assistance Higher  
Education Savings Tuition Trust Authority**

**Chapter 1. General Provisions**

**§107. Applicable Definitions**

\*\*\*

**Beneficiary** The person named in the education savings account owner's agreement or the person named by the Authority when authorized to make such a designation by an account owner as classified under §303.A.5, as the individual entitled to apply the account balance, or portions thereof, toward payment of their Qualified Higher Education Expenses.

**Beneficiary's Family** For purposes of §303.A.5, the beneficiary's family must be one of the following persons:

a. the beneficiary's parent(s) or court ordered custodian; or

b. a person who claims the Beneficiary as a dependent on his or her federal income tax return for the previous year; or

c. a person who certifies that the beneficiary lives with him, that he provides more than 50 percent of the beneficiary's support for the previous year and that he was not required to file an income tax return for the previous year.

\*\*\*

**Trade Date** The date that a deposit to an investment option that includes variable earnings is assigned a value in units or the date a disbursement or refund from an investment option that includes variable earnings is assigned a value.

\*\*\*

**Variable Earning** That portion of funds in an education savings account invested in equities.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997). Amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:566 (April 2003), LR 29:

**Chapter 3. Education Savings Account  
§301. Education Savings Accounts**

A. An education savings account is established on behalf of a designated beneficiary to provide the funding necessary for the beneficiary to acquire an undergraduate certificate, associate degree, undergraduate degree, graduate degree or professional degree. Education savings accounts may offer investment options that provide either fixed earnings or variable earnings.

1. The account owner classified under §303.A.1, 2, 3 and 4 shall designate the beneficiary in the owner's agreement.

2. The account owner classified under §303.A.5 may designate the beneficiary in the owner's agreement, provided the beneficiary is not a member of the account owner's family, or authorize the LATTA to select a beneficiary for the account.

3. A beneficiary selected by the LATTA must meet the following criteria:

a. the beneficiary is a Louisiana resident;

b. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or the Office of Student Financial Assistance;

d. demonstrate superior early academic preparation in the third grade by achieving a score on the Iowa Tests of Basic Skills, Stanford 9 Test or TerraNova Test that is in the top two quartiles; and

e. the guidelines provided by the account owner, if any; provided such guidelines are lawful.

4. Procedure for Selection (To be added at a later date.)

B. - C.1. ...

2. The account owner shall designate a beneficiary, except as provided in Paragraph A.2 above.

3. ...

4. Transfer of account ownership is not permitted, except in the case of accounts classified under §303.A.1-4 in the event of the death of an account owner, who is a natural person or the dissolution of the account owner, who is a legal entity.

a. The account owner who is a natural person, other than a natural person classified as an account owner under §303.A.5, may designate a person who will become the substitute account owner in the event of the original account owner's death.

b. Eligibility for earnings enhancements will be based on the substitute account owner's classification at the time of the original account owner's death.

c. In the event of the death of an account owner who is a natural person, other than a natural person classified as an account owner under §303.A.5, and who has not named a substitute account owner, the account shall be terminated and the account shall be refunded to the beneficiary, if designated to receive the refund by the account owner, or the account owner's estate.

d. In the event of the dissolution of an account owner who is a legal entity classified as an account owner under §303.A.3 or 4, the beneficiary shall become the substitute account owner. If the account owner, who is a legal entity classified as an account owner under §303.A.3 or 4, is dissolved, the beneficiary designated to receive the refund has died, and there is no substitute beneficiary named, the refund shall be made to the beneficiary's estate.

e. In the event of the death or dissolution of an other person classified as an account owner under §303.A.5, the beneficiary shall become the substitute account owner, provided that, in the case of an account classified under §303.A.5, all the rights and restrictions provided in law and these rules regarding account owners classified under §303.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of an account established under §303.A.5. If an account owner classified under §303.A.5 dies or is dissolved and the beneficiary has died or failed to enroll in an eligible educational institution by age 25, and no substitute beneficiary has been designated by the account owner, the Authority shall designate a new beneficiary who must meet the requirements of §301.A.3 and §303.A.5.

5. Only the account owner or the beneficiary may be designated to receive refunds from the account owned by an account owner who is a natural person other than a natural person classified as an account owner under §303.A.5. In the event of the death of the account owner when the account owner is designated to receive the refund and there is no substitute account owner named, the refund shall be made to the account owner's estate.

D. - D.6. ...

7. That an account whose owner is a legal entity or is classified under §303.A.5 cannot be terminated and the funds deposited in the account will not be refunded to the account owner.

8. That an account owner who is a legal entity or is classified under §303.A.5, can change the beneficiary of an account to one or more persons who are not members of the family of the beneficiary in accordance with §313.A.4.c, however, in such case:

a. ...

b. the earnings enhancements and interest thereon will not be transferred to the new beneficiary. (Note that the deposit(s) will be eligible for earnings enhancement for the year of the deposit.)

c. the provisions of §301.A.2 shall apply to account owners classified in accordance with §305.A.5.

9. That in the event an account owner who is a legal entity classified as an account owner under §303.A.3 or 4 is dissolved, the beneficiary will become the owner of the account.

10. That in the event an other person classified as an account owner under §303.A.5 dies or is dissolved, the beneficiary will become the account owner, provided that, all the restriction provided in law and these rules regarding account owners classified under §303.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc. shall be applicable to the beneficiary that becomes the owner of an account established under §303.A.5. If an account owner classified under §303.A.5 dies or is dissolved and the beneficiary has died or failed to enroll in an eligible college or university by age 25, and no substitute beneficiary has been designated by the account owner, the Authority is authorized designate a new beneficiary who must meet the requirements of §301.A.3 and §303.A.5.

E. - G. ...

H. Providing Personal Information

1. The account owner is required to disclose personal information in the owner's agreement, including:

a. In the case of an account owner classified under §303.A.5:

i. the social security number of the beneficiary's family and authorization from that person for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purpose of verifying federal adjusted gross income; and

ii. if applicable, proof that the beneficiary is a ward of the court; or

iii. if applicable, proof the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.).

2. By signing the owner's agreement, the account owner who is classified under §303.A.1 or 2 (does not include legal entities or other persons classified as account owners under §303.A.5) provides written authorization for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purposes of verifying federal adjusted gross income.

3. By signing the owner's agreement:

a. the account owner who is a natural person, other than a natural person classified as an account owner under §303.A.5, certifies that:

a.i. - b.vi. ...

c. the natural person classified as an account owner under §303.A.5 certifies that:

- i. the beneficiary is a Louisiana Resident;
- ii. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);
- iii. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the Authority or the Office of Student Financial Assistance;
- iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner; and
- v. the information provided in the application is true and correct.

H.4 - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:713 (June 1997). Amended LR 24:436 (March 1998), LR 24:1269 (July 1998), LR 25:1794 (October 1999), LR 26:2262 (October 2000), LR 27:1878 (November 2001), LR 28:450 (March 2002), LR 28:778 (April 2002), LR 28:2334 (November 2002), LR 29:

### §303. Account Owner Classifications

A. - A.4. ...

5. any other person or any government entity, and at the time of the initiation of the agreement:

- a. the beneficiary is a resident of the state;
- b. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary must be eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);
- c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the Authority or the Office of Student Financial Assistance;
- d. the deposits to the account are an irrevocable donation by the owner.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 27: 1879 (November 2001), LR 28:779 (April 2002), LR 28:2334 (November 2002), LR 29:

### §305. Deposits to Education Savings Accounts

A. - C. ...

D. Investment Options

1. The State Treasurer shall select fixed earnings and variable earnings investment options.
2. The Authority shall furnish each account owner with information that discloses each of the investment options offered by the program.
3. The account owner shall select one or more of the investment options in completing the owner's agreement. If more than one option is selected, the account owner shall indicate the percentage of each deposit for each investment option and the percentages must total 100 percent.
4. Investment options and the percentage of each deposit to an option can be changed no more than once in any 12 month period.

5. Once a selection is made, all deposits shall be directed to the investment options selected and in the percentages designated.

E. Deposits

1. Deposits for investment options that are limited to fixed earnings will be considered to have been deposited on the date of receipt

2. Deposits for investment options that include variable earnings will be assigned a trade date based on the method of deposit and the date of receipt.

a. Deposits by check will be assigned a trade date five days after the business day during which they were received.

b. Deposits made by electronic funds transfer will be assigned a trade date of one business day after the business day during which they were received.

3. Deposits received on weekends and holidays will be considered received on the next business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1270 (July 1998), LR 26:2263 (October 2000), LR 27:1880 (November 2001), LR 29:

### §307. Allocation of Earnings Enhancements

A. Earnings enhancements are state-appropriated funds allocated to an education savings account, on behalf of the beneficiary named in the account.

1.a. The earnings enhancements for account owners who are classified under §303.A.1 and 2 are calculated based upon the account owner's annual federal adjusted gross income for the year immediately preceding the year for which the beneficiary of the account is being considered for an earnings enhancement and the account owner's total annual deposits of principal.

b. The earnings enhancements for account owners who are classified under §303.A.5 are calculated based:

i. upon the beneficiary's family's annual federal adjusted gross income for the year immediately preceding the year for which the beneficiary of the account is being considered for an earnings enhancement and the account owner's total annual deposits of principal; or

ii. if the beneficiary is a ward of the court, using the highest earnings enhancement available and the account owner's total annual deposits of principal.

2. ...

B. Providing Proof of Annual Federal Adjusted Gross Income

1.a. For account owners who are classified under §303.A.1 or 2 (does not include Legal Entities nor other persons classified as account owners under §303.A.5), the account owner's annual federal adjusted gross income for the year immediately preceding the year for which the beneficiary of the account is being considered for an earnings enhancement is used in computing the annual earnings enhancement allocation.

b. For account owners who are classified under §303.A.5, the beneficiary's family's annual federal adjusted gross income for the year immediately preceding the year for which the beneficiary of the account is being considered for an earnings enhancement is used in computing the annual earnings enhancement or proof that the beneficiary is a ward of the court.

2.a. To be eligible in any given year for a Earnings Enhancement in accordance with §307.D., the account owner of an Education Savings Account classified under §303.A.1, 2 or 3 must:

i. authorize the LATTA to access the account owner's state tax return filed with the Louisiana Department of Revenue for the purpose of obtaining the account owner's federal adjusted gross income; or

ii provide the LATTA a copy of the account owner's federal or state income tax return filed for the year immediately preceding the year in which the beneficiary of the account is being considered for an earnings enhancement.

b. To be eligible in any given year for a earnings enhancement in accordance with §307.D., the account owner of an education savings account classified under §303.A.5 must:

i. provide authorization from the beneficiary's family for the LATTA to access the beneficiary's family's state tax return filed with the Louisiana Department of Revenue for the purpose of obtaining the federal adjusted gross income of the beneficiary's family; or

ii provide the LATTA a copy of the beneficiary's family's federal or state income tax return filed for the year immediately preceding the year in which the beneficiary of the account is being considered for an earnings enhancement; or

iii. provide documentation establishing that the beneficiary is a ward of the court.

3.a. In completing the owner's agreement, account owner's who are classified under §303.A.1 or 2 (does not include legal entities or other persons classified as account owners under §303.A.5), authorize the LATTA to access their records with the Louisiana Department of Revenue for the purpose of verifying the account owners' federal adjusted gross income. In the event the account owner does not file tax information with the Louisiana Department of Revenue, they must provide the LATTA with:

i a copy of the form filed with the Internal Revenue Service; or

ii a statement as to why no income tax filing was required of the account owner.

b. In completing the owner's agreement, account owners who are classified under §303.A.5, provide authorization from the beneficiary's family for the LATTA to access their records with the Louisiana Department of Revenue for the purpose of verifying the beneficiary's family's federal adjusted gross income. In the event the beneficiary's family does not file tax information with the Louisiana Department of Revenue, the beneficiary's family must provide:

i a copy of the form filed with the Internal Revenue Service; or

ii a statement that the beneficiary lives with them, that they provide more than 50 percent of the beneficiary's support and an explanation as to the beneficiary's family was not required to file an income tax return; or

iii. provide documentation establishing that the beneficiary is a ward of the court.

B.4. - C.2. ...

D. Earnings Enhancement Rates. The earnings enhancement rates applicable to an education savings account under §303.A.1, 2 and 5 are determined by the federal adjusted gross income of the account owner or the beneficiary's family, as applicable, according to the following schedule.

Reported Federal Adjusted Gross Income	Earnings Enhancement Rate*
0 to \$29,999	14 percent
\$30,000 to \$44,999	12 percent
\$45,000 to \$59,999	9 percent
\$60,000 to \$74,999	6 percent
\$75,000 to \$99,999	4 percent
\$100,000 and above	2 percent

\*Rates may be reduced pro rata, to limit Earnings Enhancements to amounts appropriated by the Legislature.

E. - F. ...

G. Restrictions on allocation of earnings enhancements to education savings accounts. The allocation of earnings enhancements is limited to education savings Accounts which:

1. are not fully funded accounts (See §107); and

2. have an account owner who falls under one of the classifications described in §303.A.1, 2, 3 or 5.

H. - J.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1271 (July 1998), LR 25:1794 (October 1999), LR 26:1263 (June 2000), LR 26:2263 (October 2000), LR 27:37 (January 2001) LR 27:1221 (August 2001), LR 27:1157 (November 2001), LR 28:779 (April 2002), LR 29:

**§309. Disbursement of Account Funds for Payment of Qualified Higher Education Expenses of a Beneficiary**

A. Request for Disbursement

1. For each term the account owner intends to fund the beneficiary's qualified higher education expenses, the account owner shall submit a request for disbursement.

2. The request for disbursement must include:

a. the START Account number;

b. the account owner's name, address, Social Security Number and signature (may be electronic);

c. the beneficiary's name, address, and Social Security Number;

d. the amount to be disbursed and to whom; and

e. the name and address of the eligible education institution.

3. The account owner may select the investment options from which the disbursement shall be made; provided that if no selection is made, the disbursement shall be made proportionally from each investment option in the account.

4. If there is more than one account with the same beneficiary, each account owner requesting a disbursement must complete a request for disbursement and the disbursements shall be made from each account, in turn, in the order the disbursement requests were received.

5. Disbursements from all accounts with the same beneficiary shall not exceed the qualified higher education expenses of the beneficiary for the school attended.

6. Disbursements may be made to the eligible education institution, account owner and/or beneficiary; however, for each disbursement, as a minimum, that portion of the disbursement representing earning enhancements and the interest thereon must be sent to the eligible educational institution in which the student is enrolled or intends to enroll.

7. Disbursements from investment options with variable earnings will be assigned a trade date of one business day after the business day of receipt.

B. Rate of Expenditure

1. As authorized by the account owner, the amount to be disbursed from an account shall be drawn from deposits (including earnings on deposits) and earnings enhancements (including earnings on earnings enhancements) in the same ratio as these funds bear to the total value of the account as of the date of the disbursement.

2. For an educational term, the account owner may not withdraw an amount in excess of the beneficiary's qualified higher education expenses for that term or the value of the account, whichever is less.

C. Payments to Eligible Educational Institutions

1. Upon the beneficiary's enrollment and the institution's receipt of a START disbursement, the institution may credit the student's account. Should the amount received exceed the amount owed to the institution, the institution shall disburse the balance to the beneficiary, unless the beneficiary directs otherwise.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:716 (June 1997). Amended LR 24:1272 (July 1998), LR 26:2265 (October 2000), LR 27:1881 (November 2001), LR 29:

**§311. Termination and Refund of an Education Savings Account**

A. ...

B. Account Terminations

1. The account owner who is a natural person, other than a natural person classified as an account owner under §303.A.5, may terminate an account at any time.

2. - 5. ...

6. The account owner who is a legal entity or is classified under §303.A.5, may not terminate an account, however, the account owner who is a legal entity or is classified under §303.A.5 may designate a substitute beneficiary in accordance with §313.A.4.b.

C. Refunds

1. A partial refund of an account may only be made as described in §311.F.3.

2. ...

3. No refunds shall be made to an account owner who is a legal entity classified under §303.A.3 or 4. If an account owned by a legal entity classified as an account owner under §303.A.3 or 4 is terminated by LATTA or by the account owner in accordance with §311.E or F, the refund will be made to the beneficiary or to the beneficiary's estate if no substitute beneficiary has been designated by the account owner.

4. No refunds shall be paid to account owner classified under §303.A.5. If such an account is terminated by LATTA in accordance with §311.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §303.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc. shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §303.A.5 dies or is dissolved and the beneficiary has died or failed to enroll in an eligible college or university by age 25, and no substitute beneficiary has been designated by the account owner, the Authority shall designate a new beneficiary who must meet the requirements of §301.A.3 and §303.A.5.

5. Refunds from investment options with variable earnings will be assigned a trade date of one business day after the business day of receipt.

D. Designation of a Refund Recipient

1. In the owner's agreement, the account owner who is a natural person, except one who is classified under §303.A.5, may designate the beneficiary to receive refunds from the account.

2. Refunds of interest earnings will be reported as income to the individual receiving the refund for both federal and state tax purposes.

3. In the event the beneficiary receives any refund of principal and earnings from the account, the tax consequence must be determined by the recipient.

4. The beneficiary of an account owned by a legal entity classified as an account owner under §303.A.3 or 4 is automatically designated as the refund recipient.

5. Funds in an account classified under §303.A.5 shall not be refunded.

E. Involuntary Termination of an Account with Penalty

1. The LATTA may terminate an owner's agreement if it finds that the account owner or beneficiary provided False or Misleading Information (see §107).

2. If the LATTA terminates an owner's agreement under this Section, all interest earnings on principal deposits may be withheld and forfeited, with only principal being refunded.

3. An individual who obtains program benefits by providing false or misleading information will be prosecuted to the full extent of the law.

F. Voluntary Termination of an Account

1. Refunds shall be equal to the redemption value of the education savings account at the time of the refund, and shall be made to the person designated in the owner's agreement or by rule.

2. The person receiving the refund shall be responsible for any state or federal income tax that may be payable due to the refund.

3. Except for accounts classified in accordance with §305.A.5, accounts may be terminated and fully refunded or partially refunded at the request of the account owner for the following reasons.

a. the death of the beneficiary in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner, if the account owner is a natural person; or

ii. the beneficiary's estate, if the account owner is a legal entity.

b. the disability of the beneficiary, in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the Account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity.

c. the beneficiary receives a scholarship, waiver of Tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, to the extent the amount of the refund does not exceed the amount of the scholarship, waiver of tuition, or similar subvention awarded to the beneficiary. In such case, the refund shall be equal to the scholarship, waiver of Tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary of the account, or the redemption value, whichever is less, and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the Account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity.

4. Refunds made under this §311.F.3 are currently exempt from additional federal taxes.

G. Effective Date of Account Termination. Account termination shall be effective at midnight on the business day on which the request for account termination and all supporting documents are received. Accounts will be credited with interest earned on principal deposits through the effective date of the closure of the account.

H. Refund Payments. Payment of refunds for voluntary termination under §311.F or partial refunds of accounts pursuant to §311.F.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the last calendar year. Interest earned in excess of \$3 during the calendar year of termination will be refunded on or about the forty-fifth day after the start of the next calendar year. Interest earned of \$3 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 29:

### §313. Substitution, Assignment, and Transfer

A. - A.3. ...

4. If the substitute beneficiary is not a member of the family of the previous beneficiary:

a. and the account owner is a natural person classified under §303.A.1-4, the account must be refunded to the account owner and a new account must be opened;

b. and the account owner is a legal entity classified under §303.A. 3 or 4, a new account shall be opened in the name of the new beneficiary; and

i. - ii. ...

c. and the account owner is classified under §303.A. 5, a new account shall be opened in the name of the new beneficiary only if the beneficiary meets all the requirements of §303.A. 5; and

i. these transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

ii. the earnings enhancements and interest thereon will not be transferred to the new beneficiary; (Note that the deposit(s) will be eligible for earnings enhancement for the year of the deposit.)

iii. the provisions of §301.A.2 shall apply to account owners classified in accordance with §305.A.5.

B. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), repromulgated LR 26:2266 (October 2000), amended LR 27:1883 (November 2001), LR 28:780 (April 2002), LR 29:

### §315. Miscellaneous Provisions

A. - H. ...

I. No Investment Direction. No account owner or beneficiary of an education savings account may direct the investment of funds credited to an account, except to make an annual election among investment options that offer fixed earnings, variable earnings or both. Deposits will be invested on behalf of the START Savings Program by the State Treasurer.

J. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23: 718 (June 1997), amended LR 24:1274 (July 1998), amended LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:

George Badge Eldredge  
General Counsel

0308#050

## DECLARATION OF EMERGENCY

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Remediation of Sites with Contaminated Media  
(LAC 33:V.109)(HW084E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), which allows the Department of Environmental Quality to use emergency procedures to establish Rules, and under the authority of R.S. 30:2011, the secretary of the department hereby declares that an emergency action is necessary in order to



implement Rules to address the remediation of sites with contaminated environmental media.

Current regulation causes contaminated environmental media to retain the description of having RCRA-listed waste "contained-in", therefore slowing the remediation of the site or possibly halting it completely due to administration and disposal issues. This Rule will remove a regulatory hurdle that deters site remediation. The incentive to remediate pollution stems from the resulting substantially reduced disposal and transportation costs for contaminated environmental media that are not required to be managed in the same manner as hazardous waste. The Rule will also result in simplification of the waste handling process by reducing administrative requirements and providing greater consistency with non-RCRA waste handling requirements and practices. This will provide strong motivation to initiate and accelerate voluntary remediation of contaminated sites without increasing risks to human health or the environment.

This Emergency Rule is effective on August 10, 2003, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning HW084E you may contact the Regulation Development Section at (225) 219-3550.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality Hazardous Waste**

**Chapter 1. General Provisions and Definitions**

**§109. Definitions**

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

**Hazardous Waste**—A solid waste, as defined in this Section, is a hazardous waste if:

1. - 2.c.vii. ...

d. it consists of environmental media (soil, sediments, surface water, or groundwater) that contain one or more hazardous wastes listed in LAC 33:V.4901 (unless excluded by one of the exclusions contained in this definition) or that exhibit any of the characteristics of hazardous waste identified in LAC 33:V.4903. Environmental media no longer contain a hazardous waste when concentrations remaining in the media are below RECAP Screening Standards (LAC 33:I.Chapter 13) and the media no longer exhibit any of the characteristics of hazardous waste identified in LAC 33:V.4903. However, land disposal restrictions (LAC 33:V.Chapter 22) apply to such environmental media even though the media may no longer contain a hazardous waste.

e. **Rebuttable Presumption for Used Oil.** Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in LAC 33:V.4901. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (e.g., by using an analytical method from LAC 33:V.Chapter 49.Appendix A to show that the used oil does not contain significant

concentrations of halogenated hazardous constituents listed in LAC 33:V.3105.Table 1).

i. The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed.

ii. The rebuttable presumption does not apply to used oils contaminated with Chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

3. - 6.b....

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218 (March 1990), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003), LR 29:

L. Hall Bohlinger  
Secretary

0308#060

**DECLARATION OF EMERGENCY**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

Unauthorized Emissions Reporting Procedures  
(LAC 33:I.3931)(OS052E)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality ("department") to use Emergency procedures to establish Rules, and R.S. 30:2011, the secretary of the department

hereby finds that imminent peril to the public welfare exists and accordingly adopts the following Emergency Rule, which shall be effective seven days after the date of adoption for 120 days, or until promulgation of the final Rule, whichever occurs first.

In the last two years, the Baton Rouge Nonattainment Area (the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) has experienced exceedances of the one-hour National Ambient Air Quality Standard (NAAQS) promulgated by the United States Environmental Protection Agency (US EPA). These exceedances did not occur during circumstances that typically result in excessive ozone formation and led to ozone readings the Baton Rouge area has not experienced in a decade. The ozone readings for two separate episodes in September 2002 and July 2003 were 164 parts per billion (ppb) and 174 ppb respectively, over 30 percent above the standard. Monitoring results from these exceedances indicate a high rate and efficiency of ozone production, which was limited spatially to the immediate Baton Rouge area. These ozone episodes correspond very well to the kind of episodes that have occurred in the Houston/Galveston areas. The Texas Air Quality Study, conducted in the Houston/Galveston areas, concluded that the reactivity of the hydrocarbons was most often dominated by low molecular weight alkenes and aromatics resulting in explosive ozone formation. Air quality sampling in the Baton Rouge area also showed substantial quantities of the mentioned ozone precursors. The ozone formation experienced in the Baton Rouge area may similarly be the result of the emissions of "highly reactive" ozone precursors.

The department needs additional information regarding the emissions of these highly reactive ozone precursors to understand, predict, and prevent further exceedances of the ozone standard. Results from computer simulations based on Houston's industrial regions suggest emissions of as little as 100 pounds of light alkenes and aromatics can lead to 50 ppb or greater enhancements of ozone concentrations. Baton Rouge's type of industry (petrochemical plants and refineries) and meteorological conditions are similar enough to Houston to warrant further investigation. This information is needed immediately to monitor the remainder of the 2003 ozone season in the hopes of achieving attainment of the standard. Facilities are to continue to follow the LAC 33:I.Chapter 39 reporting protocols and, whenever possible, to utilize the new notification procedures found at <http://www.deq.state.la.us/surveillance/irf/forms> and <http://www.deq.state.la.us/surveillance>.

This Emergency Rule is effective on August 12, 2003, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning OS052E, you may contact the Regulation Development Section at (225) 219-3550.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part I. Office of Secretary**  
**Subpart 2. Notification**

**Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges**  
**Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges**

**§3931. Reportable Quantity List for Pollutants**

A. - A.2. ...

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants.

Pollutant	CAS No. <sup>1</sup>	RCRA <sup>2</sup> Waste Number	Pounds
Acetaldehyde	75070	U001	100 <sup>+</sup>
* * *			
2-Butanone	78933	U159	5000/1000 <sup>@</sup>
Butenes (all isomers except 1,3 butadiene)	25167673		100 <sup>+</sup>
* * *			
Ethylene	74851		5000/(100) <sup>+</sup>
* * *			
Propionaldehyde	123386		1000/100 <sup>@</sup>
Propylene	115071		100 <sup>+</sup>
* * *			
Thiomethanol	74931	U153	100/25 <sup>@</sup>
Toluene	108883	U220	100 <sup>+</sup>
* * *			
Volatile Organic Compounds not otherwise listed <sup>4</sup>			5000
Highly reactive volatile organic compounds listed below: acetaldehyde; butenes (all isomers); ethylene; propylene toluene; xylene (all isomers); and/or isoprene <sup>5</sup>			100

Note\* - Note<sup>4</sup> ...

<sup>5</sup>The combined emission of these highly reactive VOC shall be totaled to determine if a RQ has been exceeded.

Note<sup>@</sup> ...

<sup>4</sup>For facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation

Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 29:

L. Hall Bohlinger  
Secretary

0308#061

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Community Supports and Services

#### Home and Community Based Services Waivers New Opportunities Waiver (LAC 50:XXI.Chapters 137-141)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services amends LAC 50:XXI.Subpart 11 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 1147 of the 2001 Regular Session of the Louisiana Legislature created the Disability Services and Supports System Planning Group composed of representatives from groups including, but not limited to, individuals with disabilities, developmental disabilities and mental illness. The mission of the planning group is to consider and propose provisions for comprehensive efforts to enhance Louisiana's long term care system which include informed choice and quality supports for individuals of all ages with disabilities. Based on recommendations made by the planning group and a stakeholder task force, the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services promulgated an Emergency Rule to implement a new home and community based services waiver designed to enhance the support services available to individuals with developmental disabilities. This new home and community based services waiver is titled the New Opportunities Waiver (*Louisiana Register, Volume 29, Number 6*). The bureau now proposes to promulgate an Emergency Rule to amend the July 1, 2003 Emergency Rule in order to add discharge criteria and clarify other provisions contained in the Rule.

This action is being taken to promote the health and welfare of those individuals with developmental disabilities or mental retardation who are in need of such services and are on a request for services registry. It is estimated that implementation of this Emergency Rule will increase program expenditures by approximately \$54,357,522 for state fiscal year 2003-2004.

Effective for dates of service on and after August 20, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services amends provisions of the July 1, 2003 Emergency Rule governing the establishment of the New Opportunities

Waiver in accordance with Section 1915(c) of the Social Security Act and the approved waiver application document and attachments.

## Title 50

### PUBLIC HEALTH MEDICAL ASSISTANCE

#### Part XXI. Home and Community Based Services Waivers

##### Subpart 11. New Opportunities Waiver

#### Chapter 137. General Provisions

##### §13701. Introduction

A. The New Opportunities Waiver (NOW), hereafter referred to as NOW, is designed to enhance the long term services and supports available to individuals with developmental disabilities or mental retardation, who would otherwise require an intermediate care facility for the mentally retarded (ICF-MR) level of care. The mission of NOW is to utilize the principle of self determination and supplement the family and/or community supports that are available to maintain the individual in the community. In keeping with the principles of self-determination, NOW includes a self-direction option. This allows for greater flexibility in hiring, training, and general service delivery issues. NOW replaces the current Mentally Retarded/Developmentally Disabled (MR/DD) waiver after recipients of that waiver have been transitioned into NOW.

B. All NOW services are accessed through the case management agency of the recipient's choice. All services must be prior authorized and delivered in accordance with the Bureau of Community Supports and Services (BCSS) approved comprehensive plan of care (CPOC). The CPOC shall be developed using a person-centered process coordinated by the individual's case manager.

C. Providers must maintain adequate documentation to support service delivery and compliance with the approved plan of care and will provide said documentation at the request of BCSS.

D. In order for the NOW provider to bill for services, the individual and the direct service provider, professional or other practitioner rendering service must be present at the time the service is rendered. The service must be documented in service notes describing the service rendered and progress towards the recipient's personal outcomes and CPOC.

E. Only the following NOW services shall be provided for or billed for the same hours on the same day as any other NOW service:

1. substitute family care;
2. residential habilitation; and
3. skilled nursing services;
  - a. skilled nursing services may be provided with:
    - i. substitute family care;
    - ii. residential habilitation;
    - iii. day habilitation;
    - iv. supported employment (all three modules); and/or
    - v. employment related training.

F. The average recipient expenditures for all waiver services shall not exceed the average Medicaid expenditures for ICF-MR services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13703. Recipient Qualifications for NOW Eligibility**

A. In order to qualify for NOW, an individual must be three years of age or older, offered a waiver opportunity (slot) and meet all of the following criteria:

1. meet the definitions for mental retardation or developmentally disability as specified in R.S. 28:380;
2. be on the Mentally Retarded/Developmentally Disabled (MR/DD) Request for Services Registry (RFSR);
3. meet the financial eligibility requirements for the Medicaid Program;
4. meet the medical requirements;
5. meet the requirements for an ICF-MR level of care;
6. meet the health and welfare assurance requirements;
7. be a resident of Louisiana; and
8. be a citizen of the United States or a qualified alien.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13705. NOW Discharge Criteria**

A. Recipients shall be discharged from the NOW Program if one of the following criteria is met:

1. loss of Medicaid eligibility as determined by the parish Medicaid Office;
2. loss of eligibility for an ICF-MR level of care as determined by the Regional BCSS office;
3. incarceration or placement under the jurisdiction of penal authorities, courts or state juvenile authorities;
4. change of residence to another state with the intent to become a resident of that state;
5. admission to an ICF-MR facility or nursing facility with the intent not to return to waiver services;
6. the health and welfare of the waiver recipient cannot be assured in the community through the provision of reasonable amounts of waiver services as determined by the Regional BCSS Office, i.e., the waiver recipient presents a danger to himself or others;
7. failure to cooperate in either the eligibility determination process, or the initial or annual implementation of the approved Comprehensive Plan of Care (CPOC) or the responsibilities of the NOW recipient; or
8. continuity of services is interrupted as a result of the recipient not receiving NOW services during a period of 30 or more consecutive days. This does not include interruptions in NOW services because of hospitalization, institutionalization (such as ICFs-MR or nursing facilities), or non-routine lapses in services where the family agrees to provide all needed or paid natural supports. This interruption can not exceed 90 days and there is a documented expectation that the individual will return to the NOW services. During this 90-day period, BCSS will not authorize payment for NOW services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

## **Chapter 139. Covered Services**

### **§13901. Individualized and Family Support Services**

A. Individualized and Family Support (IFS) are direct support and assistance services provided in the home or the community that allow the recipient to achieve and/or maintain increased independence, productivity, enhanced family functioning and inclusion in the community or for the relief of the primary caregiver. Transportation is included in the reimbursement for these services. Reimbursement for these services includes the development of a service plan for the provision of these services, based on the BCSS-approved CPOC.

1. IFS-Day (IFS-D) services will be authorized during waking hours for up to 16 hours when natural supports are unavailable in order to provide continuity of services to the recipient. Waking hours are the period of time when the recipient is awake and not limited to traditional daytime hours.

2. IFS-Night (IFS-N) services are direct support and assistance provided to individuals during sleeping hours for a minimum of eight hours. The IFS-N worker must be immediately available in the same residence and able to respond. Night hours is the period of time when the recipient is asleep and there is a reduced frequency and intensity of required assistance and is not limited to traditional nighttime hours. Documentation must support this level of assistance.

B. IFS services may be shared by related waiver recipients who live together or up to three unrelated waiver recipients who live together. Waiver recipients may share IFS services staff when agreed to by the recipients and health and welfare can be assured for each individual. Shared IFS services, hereafter referred to as shared support services, may be either day or night services.

C. IFS (day or night) services include:

1. assisting and prompting with the following activities of daily living (ADL):

- a. personal hygiene;
- b. dressing;
- c. bathing;
- d. grooming;
- e. eating;
- f. toileting;
- g. ambulation or transfers;
- h. other personal care and behavioral support needs;

and

i. any medical task which can be delegated;

2. assisting and/or training in the performance of tasks related to maintaining a safe, healthy and stable home, such as:

- a. housekeeping;
- b. laundry;
- c. cooking;
- d. evacuating the home in emergency situations;
- e. shopping; and
- f. money management;

3. personal support and assistance in participating in community, health, and leisure activities;

4. support and assistance in developing relationships with neighbors and others in the community and in strengthening existing informal social networks and natural supports;

5. enabling and promoting individualized community supports targeted toward inclusion into meaningful integrated experiences; and

6. providing orientation and information to acute hospital nursing staff concerning the recipient's specific Activities of Daily Living (ADL's), communication, positioning and behavioral needs. All medical decisions will be made by appropriate medical staff.

D. Exclusions. The following exclusions apply to IFS services.

1. Reimbursement shall not be paid for services furnished by a legally responsible relative. A legally responsible relative is defined as the parent of a minor child, foster parent, curator, tutor, legal guardian, or the recipient's spouse.

2. In compliance with licensing regulations, IFS-D and IFS-N services shall not include services provided in the IFS-D or IFS-N worker's residence, regardless of the relationship, unless the worker's residence is a certified foster care home.

E. Staffing Criteria and Limitations

1. IFS-D or IFS-N services may be provided by a member of the recipient's family, provided that the recipient does not live in the family member's residence and the family member is not the legally responsible relative as defined in §13901.D.1.

2. Family members who provide IFS services must meet the same standards as providers or direct care staff who are unrelated to the individual.

3. An IFS-D or N worker shall not work more than 16 hours in a 24-hour period unless there is a documented emergency or a time-limited non-routine need that is documented in the BCSS-approved CPOC. An IFS-D or N shared supports worker shall not work more than 16 hours in a 24-hour period unless there is a documented emergency or a time-limited non-routine need that is documented in the BCSS-approved CPOC.

F. Place of Service

1. IFS services shall be provided in the State of Louisiana. Consideration shall be given to requests for the provision of IFS services outside the state on a case-by-case basis for time-limited periods or emergencies. Exceptions to this requirement may be granted for a documented emergency or a time-limited non-routine need documented in the BCSS-approved CPOC.

2. Provision of IFS services shall not be authorized outside of the United States or the Territories of the United States.

G. Provider Requirements. Providers must possess a current, valid license as a Personal Care Attendant agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13903. Center-Based Respite Care**

A. Center-Based Respite (CBR) Care is temporary, short-term care provided to a recipient with mentally retarded or developmental disabilities who requires support and/or supervision in his/her day-to-day life due to the absence or relief of the primary caregiver. While receiving center-based respite care, the recipient's routine is maintained in order to attend school, work or other community activities/outings.

The respite center is responsible for providing transportation for community outings, as that is included as part of their reimbursement.

B. Exclusions. The cost of room and board is not included in the reimbursement paid to the respite center.

C. Service Limits. CBR services shall not to exceed 720 hours per recipient, per CPOC year.

D. Provider Requirements. The provider shall possess a current, valid license as a Respite Care Center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13905. Community Integration Development**

A. Community Integration Development (CID) facilitates the development of opportunities to assist recipients who are 18 years and older in becoming involved in their community through the creation of natural supports. The purpose of CID is to encourage and foster the development of meaningful relationships in the community reflecting the recipient's choices and values. Objectives outlined in the Comprehensive Plan of Care will afford opportunities to increase community inclusion, participation in leisure/recreational activities, and encourage participation in volunteer and civic activities. Reimbursement for this service includes the development of a service plan. The recipient must be present in order to receive this service. The recipient may share CID services with one other NOW recipient.

B. Transportation costs are included in the reimbursement for CID services.

C. Service Limitations. Services shall not exceed 60 hours per recipient per CPOC year.

D. Provider Qualifications. The provider must possess a current, valid license as a Supervised Independent Living agency or Personal Care Attendant agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13907. Residential Habilitation-Supported Independent Living**

A. Residential Habilitation-Supported Independent Living (SIL) assists the recipient to acquire, improve or maintain those social and adaptive skills necessary to enable an individual to reside in the community and to participate as independently as possible. SIL services include assistance and/or training in the performance of tasks such as personal grooming, housekeeping and money management. Payment for this service includes oversight and administration and the development of service plans for the enhancement of socialization with age-appropriate activities that provide enrichment and may promote wellness. These services also assist the individual in obtaining financial aid, housing, advocacy and self-advocacy training as appropriate, emergency support, trained staff and assisting the recipient in accessing other programs for which he/she qualifies. SIL recipients must be 18 years or older.

B. Place of Service. Services are provided in the recipient's residence and/or in the community. The recipient's residence includes his/her apartment or house,

provided that he/she does not live in the residence of any legally responsible relative. An exception will be considered when the recipient lives in the residence of a spouse or disabled parent, or a parent age 70 or older. Family members who are not legally responsible relatives as defined in §13901.D.1, can be SIL workers provided they meet the same qualifications as any other SIL worker.

C. Exclusions

1. Legally responsible relatives may not be SIL providers.

2. SIL shall not include the cost of:

- a. meals or the supplies needed for preparation;
- b. room and board;
- c. home maintenance, or upkeep and improvement;
- d. direct or indirect payment to members of the recipient's legally responsible relative;
- e. routine care and supervision which could be expected to be provided by a family; or
- f. activities or supervision for which a payment is made by a source other than Medicaid e.g., Office for Citizens with Developmental Disabilities (OCDD), etc.

D. Service Limit. SIL services are limited to one service per day, per CPOC year.

E. Provider Qualifications. The provider must possess a current, valid license for the Supervised Independent Living module issued by the Department of Social Services, Bureau of Licensing.

F. Provider Responsibilities

1. Minimum direct services by the SIL agency include three documented contacts per week, by the SIL provider agency, with at least one contact being face-to-face in addition to the approved direct support hours.

2. The provider must furnish back up staff that is available on a 24-hour basis.

3. Residential habilitation services shall be coordinated with any services listed in the BCSS-approved CPOC, and may serve to reinforce skills or lessons taught in school, therapy or other settings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

**§13909. Substitute Family Care**

A. Substitute Family Care (SFC) provides for day programming, transportation, independent living training, community integration, homemaker, chore, attendant care and companion services, and medication oversight (to the extent permitted under state law) to recipients residing in a licensed substitute family care home. The service is a stand-alone family living arrangement for individuals age 18 and older. The SFC house parents assume the direct responsibility for the individual's physical, social, and emotional well-being and growth, including family ties. Immediate family members (mother, father, brother and/or sister) cannot be substitute family care parents. Reimbursement for this service includes the development of a service plan based on the approved CPOC.

B. Service Limits. SFC services are limited to one service per day.

C. Provider Qualifications. The provider must possess a current, valid license as a Substitute Family Care agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

**§13911. Day Habilitation**

A.1. Day habilitation is assistance with social and adaptive skills necessary to enable the recipient to reside in a community setting and to participate as independently as possible in the community. These services focus on socialization with meaningful age-appropriate activities which provide enrichment and promote wellness, as indicated in the person-centered plan. Day habilitation services must be directed by a service plan and provide assistance and/or training in the performance of tasks related to acquiring, maintaining or improving skills including, but not limited to:

- a. personal grooming;
- b. housekeeping;
- c. laundry;
- d. cooking;
- e. shopping; and
- f. money management.

2. Day Habilitation services shall be coordinated with any therapy, employment-related training, or supported employment models that the recipient may be receiving. The recipient does not receive payment for the activities in which they are engaged. The recipient must be 18 years of age or older in order to receive day habilitation services.

B. Service Limits. Services can be provided one or more hours per day but not to exceed six hours per day or 6,240 1/4 hour units of service per Comprehensive Plan of Care (CPOC) year.

C. Licensing Requirements. The provider must possess a current, valid license as an Adult Day Care Center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

**§13913. Supported Employment**

A. Supported employment is competitive work in an integrated work setting, or employment in an integrated work setting in which the individuals are working toward competitive work that is consistent with the strengths, resources, priorities, interests, and informed choice of individuals for whom competitive employment has not traditionally occurred. The recipient must be 18 years of age or older in order to receive supported employment services.

B. These are services provided to individuals who are not served by Louisiana Rehabilitation Services, need more intense, long-term follow along and usually cannot be competitively employed because supports cannot be successfully phased out.

C. Supported employment is conducted in a variety of settings, particularly work sites in which persons without disabilities are employed. Supported employment includes activities needed by waiver recipients to sustain paid work,

including supervision and training and is based on an individualized service plan. Supported employment includes assistance and prompting with:

1. personal hygiene;
2. dressing;
3. grooming;
4. eating;
5. toileting;
6. ambulation or transfers;
7. other personal care and behavioral support needs;

and

8. any medical task which can be delegated.

D. Supported Employment Models. Reimbursement for supported employment includes an individualized service plan for each model.

1. A one-to-one model of supported employment is a placement strategy in which an employment specialist (job coach) places a person into competitive employment, provides training and support and then gradually reduces time and assistance at the work site. This service is time limited to six to eight weeks in duration.

2. Follow along services are designed for individuals who are in supported employment and have been placed in a work site and only require the oversight of a minimum of two visits per month for follow along at the job site.

3. Mobile Work Crew/Enclave is an employment setting in which a group of eight or fewer workers with disabilities who perform work in a variety of locations under the supervision of a permanent employment specialist (job coach/supervisor). Typically this service is up to six hours per day, five days per week.

E. Service Exclusions

1. Services shall not be used in conjunction or simultaneously with any other waiver service, except substitute family care, residential habilitation supported independent living, and skilled nursing services.

2. When supported employment services are provided at a work site in which persons without disabilities are employees, payment will be made only for the adaptations, supervision and training required by individuals receiving waiver services as a result of their disabilities, and will not include payment for the supervisory activities rendered as a normal part of the business setting.

3. Services are not available to individuals who are eligible to participate in programs funded under Section 110 of the Rehabilitation Act of 1973 or Section 602(16) and (17) of the Individuals with Disabilities Education Act, 20 U.S.C. 1401(16) and (71).

F. Service Limits

1. One-to-One intensive services shall not exceed 1,280 1/4 hour units per CPOC year. Services shall be limited to eight hours a day, five days a week, for six to eight weeks.

2. Follow along services shall not exceed 24 days per CPOC year.

3. Mobile Crew/Enclave services shall not exceed 8,320 1/4 hour units of service per CPOC year, without additional documentation. This is eight hours per day, five days per week.

G. Licensing Requirements. The provider must possess a current valid license as an Adult Day Care Center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13915. Transportation for Day Habilitation and Supported Employment Models**

A. Transportation provided between the recipient's residence and the site of the day habilitation or supported employment model, or between the day habilitation and supported employment model site (if the recipient receives services in more than one place) is reimbursable when day habilitation or supported employment model has been provided. Reimbursement will be a daily rate for a round trip fare. A round trip is defined as transportation from the recipient's place of residence and return to the recipient's place of residence. The round trip shall be documented in the provider's transportation log.

B. Licensing Requirements. Transportation providers must possess a current valid license as an Adult Day Care Center. The licensed provider must carry \$1,000,000 liability insurance on the vehicles used in transporting the recipients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13917. Employment-Related Training**

A. Employment-related training consists of paid employment for recipients for whom competitive employment at or above the minimum wage is unlikely, and who need intensive ongoing support to perform in a work setting because of their disabilities. Services are aimed at providing recipients with opportunities for employment and related training in work environments one to eight hours a day, one to five days a week at a commensurate wage in accordance with United States Department of Labor regulations and guidelines. The recipient must be 18 years or older in order to receive employment-related training services. Reimbursement for these services includes transportation and requires an individualized service plan.

B. Employment-related training services include, but are not limited to:

1. assistance and prompting in the development of employment related skills. This may include:

- a. assistance with personal hygiene;
- b. dressing;
- c. grooming;
- d. eating;
- e. toileting;
- f. ambulation or transfers;
- g. behavioral support needs; and
- h. any medical task which can be delegated;

2. employment at a commensurate wage at a provider facility for a set or variable number of hours;

3. observation of an employee of an area business in order to obtain information to make an informed choice regarding vocational interest;

4. instruction on how to use equipment;

5. instruction on how to observe basic personal safety skills;

6. assistance in planning appropriate meals for lunch while at work;

7. instruction on basic personal finance skills;
8. information and counseling to a recipient and, as appropriate, his/her family on benefits planning and assistance in the process.

C. Exclusions. The following service exclusions apply to employment-related training.

1. Services are not available to recipients who are eligible to participate in programs funded under Section 110 of the Rehabilitation Act of 1973 or Section 602(16) and (17) of the Individuals with Disabilities Education Act, 20 U.S.C. 1401(16) and (71).

D. Service Limits. Services shall not exceed eight hours a day, five days a week, and cannot exceed 6,240 1/4 hour units of service per CPOC year.

E. Licensing Requirements. The provider must possess a current, valid license as an Adult Day Care Center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

**§13919. Environmental Accessibility Adaptations**

A. Environmental accessibility adaptations are physical adaptations to the home or a vehicle that are necessary to ensure the health, welfare, and safety of the recipient or that enable him/her to function with greater independence in the home and/or community. Without these services, the recipient would require additional supports or institutionalization.

B. Such adaptations may include:

1. installation of non-portable ramps and grab-bars;
2. widening of doorways;
3. modification of bathroom facilities; or
4. installation of specialized electric and plumbing systems which are necessary to accommodate the medical equipment and supplies for the welfare of the individual.

C. Requirements for Authorization. Items reimbursed through NOW funds shall be supplemental to any adaptations furnished under the Medicaid State Plan.

1. Any service covered under the Medicaid State Plan shall not be authorized by NOW. The environmental accessibility adaptation(s) must be delivered, installed, operational, and reimbursed in the CPOC year in which it was approved. Three written itemized detailed bids, including drawings with the dimensions of the existing and proposed floor plans relating to the modification, must be obtained and submitted for prior authorization. Modifications may be applied to rental or leased property with the written approval of the landlord. Reimbursement shall not be paid until receipt of written documentation that the job has been completed to the satisfaction of the recipient.

2. Three bids may not be required if the environmental accessibility adaptations are available from a single source supplier due to the distance of the recipient's home from other environmental accessibility adaptations providers. The justification and agreement by the service planning/support team for not providing three bids must be included with any request for prior approval.

3. Excluded are those adaptations or improvements to the residence that are of general utility or maintenance and are not of direct medical or remedial benefit to the individual, including, but not limited to:

- a. air conditioning or heating;
- b. flooring;
- c. roofing, installation or repairs;
- d. smoke and carbon monoxide detectors, sprinklers, fire extinguishers, or hose; or
- e. furniture or appliances.

4. Adaptations which add to the total square footage or add to the total living area under the roof of the residence are excluded from this benefit.

5. Home modification is not intended to cover basic construction cost.

6. Excluded are those vehicle adaptations which are of general utility or for maintenance of the vehicle or repairs to adaptations.

D. Service Limits. There is a cap of \$4,000 per recipient for environmental accessibility adaptations. Once a recipient reaches 90 percent or greater of the cap and the account has been dormant for three years, the recipient may access another \$4,000. Any additional environmental accessibility expenditures during the dormant period reset the three-year time frame.

E. Provider Qualifications. The provider must be an enrolled Medicaid provider and comply with applicable state and local laws governing licensure and/or certification. All persons performing the services (building contractors, plumbers, electricians, engineers, etc.) must meet all state or local requirements for licensure or certification. When state and local building or housing code standards are applicable, modifications to the home shall meet such standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

**§13921. Specialized Medical Equipment and Supplies**

A. Specialized Medical Equipment and Supplies (SMES) are devices, controls, or appliances which enable the recipient to:

1. increase his/her ability to perform the activities of daily living;
2. ensure safety; or
3. perceive and control the environment in which he/she lives.

B. The service includes medically necessary durable and nondurable medical equipment not covered under the Medicaid State Plan. NOW will not cover non-medically necessary items. All items shall meet applicable standards of manufacture, design and installation.

C. All alternate funding sources that are available to the recipient shall be pursued before a request for the purchase or lease of specialized equipment and supplies will be considered.

D. Exclusion. Excluded are specialized equipment and supplies that are of general utility or maintenance, but are not of direct medical or remedial benefit to the individual. Refer to the New Opportunities Waiver Provider Manual for a list of examples.

E. Service Limitations. There is a cap of \$4,000 per individual for specialized equipment and supplies. Once a recipient reaches 90 percent or greater of the cap and the account has been dormant for three years, the recipient may access another \$4,000. Any additional specialized equipment



and supplies expenditures during the dormant period reset the three-year time frame.

F. Provider Qualifications. Providers must be enrolled in the Medicaid Program as a durable medical equipment provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13923. Personal Emergency Response Systems**

A. Personal Emergency Response Systems (PERS) is a rented electronic device connected to the person's phone and programmed to signal a response center which enables an individual to secure help in an emergency.

B. Recipient Qualifications. Personal emergency response systems (PERS) services are available to those persons who:

1. live alone without the benefit of a natural emergency back-up system;
2. live alone and would otherwise require extensive IFS services or other NOW services;
3. need support due to cognitive limitations until they are educated on the use of PERS;
4. have a demonstrated need for quick emergency back-up;
5. live with older or disabled care; or
6. are unable to use other communications systems as they are not adequate to summon emergency assistance.

C. Coverage of the PERS is limited to the rental of the electronic device. PERS services shall include the cost of maintenance and training the recipient to use the equipment.

D. Provider Qualifications. The provider must be an enrolled Medicaid provider of the Personal Emergency Response System.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13925. Professional Consultation**

A. Professional consultation are services designed to evaluate, develop programs, and train natural and formal care givers to implement training or therapy programs, which will increase the individual's independence, participation, and productivity in his/her home, work, and community. These services are not meant to be long-term on-going services. They are normally meant to be short-term or intermittent services to develop critical skills which may be self-managed by the individual or maintained by natural and formal care givers. The recipient must be present in all aspects of the consultation in order for the professional to receive payment for these services. Service intensity, frequency and duration will be determined by individual need. These services may include assessments or periodic reassessments, and may be direct or indirect. Documentation of services provided must be available on-site. The professional consultation services are to be used only when the services are not covered under the Medicaid State Plan. The recipients must be 21 years or older in order to receive professional consultation services.

B. Professional consultation shall include the following services:

1. consultation provided by a licensed registered nurse regarding those medically necessary nursing services ordered by a physician that exceed the service limits for home health services that do not meet the skilled nursing criteria under the Medicaid State Plan. Services must comply with the Louisiana Nurse Practice Act. Consultations may address health care needs related to prevention and primary care activities;

2. evaluation and education performed by a licensed psychologist as specified by state law and licensure. These services are for the treatment of behavioral or mental conditions that address personal outcomes and goals desired by the recipient and his/her team. Services must be reasonable and necessary to preserve and improve or maintain adaptive behaviors or decrease maladaptive behaviors of a person with mental retardation or developmental disabilities. Consultation provides the recipient, family, care givers, or team with information necessary to plan and implement plans for the recipient;

3. highly specialized consultation services furnished by a licensed clinical social worker and designed to meet the unique counseling needs of individuals with mental retardation and development disabilities. Counseling may address areas such as human sexuality, depression, anxiety disorders, and social skills. Services must only address those personal outcomes and goals listed in the BCSS approved CPOC.

C. Service Limits. Professional consultation services are limited to a \$750 cap per individual per CPOC year for the combined range of professional consultations.

D. Provider Qualifications. The provider of professional consultation services must possess a current valid license as a personal care attendant (PCA), supervised independent living (SIL) or home health (HH) agency. Each professional rendering service must:

1. possess a current valid Louisiana license to practice in his/her field;
2. have at least one year experience in his/her field of expertise, post licensure; and
3. be contracted or employed with an enrolled PCA, SIL or HH agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13927. Professional Services**

A. Professional services are services designed to increase the individual's independence, participation and productivity in the home, work, and community. The recipient must be 21 years of age or older in order to receive these services. Professional services are to be used only when the services are not covered under the Medicaid State Plan. Professional services must be delivered with the recipient present and be provided based on the approved CPOC and an individualized service plan. Professional services are limited to the following services.

1. Psychological services are direct services performed by a licensed psychologist, as specified by state law and licensure. These services are for the treatment of a behavioral or mental condition that addresses personal outcomes and goals desired by the recipient and his or her

team. Services must be reasonable and necessary to preserve and improve or maintain adaptive behaviors or decrease maladaptive behaviors of a person with mental retardation or developmental disabilities. Service intensity, frequency, and duration will be determined by individual need.

2. Social work services are highly specialized direct counseling services furnished by a licensed clinical social worker and designed to meet the unique counseling needs of individuals with mental retardation and development disabilities. Counseling may address areas such as human sexuality, depression, anxiety disorders, and social skills. Services must only address those personnel outcomes and goals listed in the BCSS approved CPOC.

3. Nursing services are medically necessary direct services provided by a licensed registered nurse or licensed practical nurse. Services must be ordered by a physician and comply with the Louisiana Nurse Practice Act. Direct services may address health care needs related to prevention and primary care activities, treatment and diet. Reimbursement is only available for the direct service performed by a nurse, and not for the supervision of a nurse performing the hands-on direct service.

B. Service Limits. There shall be a \$1,500 cap per recipient per CPOC year for the combined range of professional services.

C. Provider Qualifications. The provider of professional services must possess a current valid license as a personal care attendant, supervised independent living or home health agency. Each professional rendering service must possess a current valid Louisiana license to practice in his/her field and have at least one year of experience post licensure in their area of expertise and be contracted or employed with an enrolled PCA, SIL, or HH agency.

D. Nonreimbursable Activities. The following activities are not reimbursable:

1. friendly visiting, attending meetings;
2. time spent on paperwork or travel;
3. time spent writing reports and progress notes;
4. time spent on staff training;
5. time spent on the billing of services; and
6. other nonMedicaid reimbursable activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13929. Skilled Nursing Services**

A. Skilled Nursing services are medically necessary nursing services ordered by a physician and provided to a medically fragile recipient in or outside of his/her home. Skilled nursing services shall be provided by a licensed, enrolled home health agency using licensed nurses. All Medicaid State Plan services must be utilized before accessing this service.

B. Recipient Criteria. The recipient must be 21 years of age or older and have a diagnosis of a chronic disease which requires the vigilance of a licensed nurse to provide evaluation and management of a disease, thereby limiting the need for frequent acute or emergency services. Skilled nursing services require a physician's order documenting medical necessity and individual nursing service plan. These services must be included in the individual's BCSS-approved CPOC. Skilled nursing services shall be available to

individuals who are medically fragile with chronic conditions who meet one of the following criteria:

1. have unstable or uncontrolled diabetes and are insulin dependent;
2. have insufficient respiratory capacity requiring use of oxygen therapy, a ventilator, and/or tracheotomy;
3. require hydration, nutrition, and/or medication via a gastro-tube;
4. have severe musculo-skeletal conditions/non-ambulatory status that requires increased monitoring and/or the treatment of decubitus;
5. have kidney failure requiring dialysis;
6. have cancer requiring radiation/chemotherapy;
7. require end-of-life care not covered by hospice services;
8. require the use of life-sustaining equipment to ensure sufficient body function (a ventilator, a suction machine, pulse oximeters, apnea monitors, or nebulizers); or
9. require the administration of medications which by law must be administered by a licensed nurse via mediports, central lines, or intravenous therapy.

C. When there is more than one recipient in the home receiving skilled nursing services, services may be shared and payment must be coordinated with the service authorization system and each recipient's BCSS approved CPOC.

D. Provider Qualifications. The provider must possess a current valid license as a home health agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

### **§13931. One Time Transitional Expenses**

A. One time transitional expenses are those allowable expenses incurred by recipients who are being transitioned from an ICF-MR to their own home or apartment in the community of their choice. Own home shall mean the recipient's own place of residence and does not include any family members home or substitute family care homes. The recipient must be 18 years or older in order to receive this service.

B. Allowable transitional expenses include:

1. the purchase of essential furnishings such as:
  - a. bedroom and living room furniture;
  - b. table and chairs;
  - c. window blinds;
  - d. eating utensils; and
  - e. food preparation items;
2. moving expenses required to occupy and use a community domicile;
3. health and safety assurances, such as pest eradication, allergen control, or one-time cleaning prior to occupancy;
4. non-refundable security deposits.

C. Service Limits. Set-up expenses are capped at \$3,000 over a recipient's lifetime.

D. Service Exclusion. Transitional expenses shall not constitute payment for housing, rent, or refundable security deposits.

E. Provider Qualifications. This service shall only be provided by the Department of Health and Hospitals, Office

for Citizens with Developmental Disabilities (OCDD) with coordination of appropriate entities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

#### **§13933. Transitional Professional Support Services**

A. Transitional Professional Support Services is a system using specialized staff and resources to intervene and stabilize in a situation caused by any severe behavioral or medical circumstance that could result in loss of a current community-based living arrangement. These services are limited to recipients who have transitioned out of a public developmental center and have reached the cap for professional services and professional consultation for the recipient's CPOC year. The recipient must be present for all services provided.

##### **B. Recipient Criteria**

1. These services are available for recipients who meet all of the following criteria:

a. have a developmental disability and one or more concurrent mental health diagnoses of autism or other pervasive developmental disorders;

b. have a history of recurrent challenging behaviors that risks injury to the individual or others, or results in significant property damage; and

c. have a need for professional services and/or professional consultation that exceeds the service limits for these services available under the Medicaid State Plan and NOW, as documented by a statement of necessity from the treating psychiatrist or psychologist; or

2. the recipient has an acute illness or injury which requires the added vigilance of a licensed nurse to provide treatment of disease symptoms that may avert and/or delay the consequence of advanced complications, thereby reducing the likelihood of further deterioration. Supporting documentation from the recipient's physician must be provided to demonstrate need.

C. Exclusion. All Medicaid State Plan services must be utilized before accessing this service.

D. Provider Qualifications. Providers of transitional professional support services must possess a current, valid license as a PCA, SIL, or HH agency. Each professional rendering service must possess a valid Louisiana license to practice in his/her field and one year of experience in their field of expertise post licensure.

E. Provider Responsibility. An agency that fulfills this role must possess specialized staff and resources to intervene in and stabilize a situation caused by any severe behavioral or medical circumstance that could result in loss of a current community-based living arrangement. The provider must develop and maintain a current service plan that details the program goals, plans, and expected outcomes from all individuals providing these services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

#### **§13935. Consumer Directed Service**

A. The consumer directed initiative is a payment mechanism and a self-determination option for NOW recipients in the Department of Health and Hospitals Regions 1, 2, and 9. This is a voluntary option where the waiver recipient or his or her authorized representative may choose what services and/or supports best fit their individual needs through the person-centered planning process, and as documented on the BCSS-approved CPOC. The waiver recipient selecting this option will be required to use a contracted fiscal agent to provide designated functions on his/her behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

#### **Chapter 141. Reimbursement**

##### **§14101. Reimbursement Methodology**

A. Reimbursement for the following services shall be a prospective flat rate for each approved unit of service provided to the recipient. One quarter hour (15 minutes) is the standard unit of service, which covers both service provision and administrative costs.

1. Center-Based Respite
2. Community Integration Development
3. Day Habilitation
4. Employment Related Training
5. Individualized and Family Support-Day and Night
6. Professional Consultation
7. Professional Services
8. Skilled Nursing Services
9. Supported Employment, One-to-One Intensive and Mobile Crew/Enclave
10. Transitional Professional Support Services
11. Shared Supports (IFS-D and -N, Skilled Nursing, CID)

a. Services furnished to two recipients will be reimbursed at 75 percent of the full rate for each recipient; and

b. services furnished to three recipients will be reimbursed at 66 percent of the full rate for each recipient.

B. The following services are to be paid at cost, based on the need of the individual and when the service has been prior authorized and on the CPOC:

1. environmental accessibility adaptations;
  2. specialized medical equipment and supplies; and
  3. transitional expenses.
- C. The following services are paid through a per diem:
1. substitute family care;
  2. residential habitation-supported independent living; and
  3. supported employment-follow along.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:

Implementation of this proposed Rule is subject to approval by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Barbara Dodge at the Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#070

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

Durable Medical Equipment Program  
Motorized Wheelchairs  
(LAC 50:XVII.14821-14825)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, provides coverage and reimbursement for manual and motorized wheelchairs under the Durable Medical Equipment Program. The Bureau promulgated an Emergency Rule to adopt new policy governing recipient qualifications for motorized wheelchairs (*Louisiana Register, Volume 28, Number 9*). This Emergency Rule is being promulgated to continue the provisions contained in the September 21, 2002 Rule. This action is being taken to promote the health and welfare of Medicaid recipients by facilitating access to medically necessary motorized wheelchairs and thereby avoiding further deterioration of their physical functioning.

#### **Title 50**

### **PUBLIC HEALTH MEDICAL ASSISTANCE**

#### **Part XVII. Durable Medical Equipment**

##### **Subpart 1. Prosthetics**

#### **Chapter 148. Wheelchairs/Wheelchair Accessories and Strollers**

##### **Subchapter A. (Reserved)**

##### **Subchapter B. Wheelchairs, Motorized and/or Custom Motorized**

#### **§14821. Recipient Criteria**

##### **A. Motorized Wheelchairs**

1. For purposes of this Rule, the term "motorized" shall have the same meaning as "power," "electric" or any means of propulsion other than manual. Effective for dates of service on or after September 19, 2003, the recipient must meet all of the following criteria in order to be considered for a motorized wheelchair:

a. the recipient must be non-ambulatory and have severe weakness of the upper extremities due to a neurological or muscular disease/condition;

b. the recipient's condition is such that without the use of a wheelchair he/she would otherwise be bed or chair confined;

c. the recipient's condition is such that a wheelchair is medically necessary and he/she is unable to operate a wheelchair manually; and

d. the recipient is capable of safely operating the controls for a motorized wheelchair.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§14823. Prior Authorization**

A. All wheelchairs and modifications required to meet the needs of a particular recipient are subject to prior authorization. In addition, all requests must include the following documentation:

1. a completed PA-01 form;

2. a physician's prescription for the wheelchair. The physician must specifically state whether the prescription is for a motorized wheelchair or a custom motorized wheelchair. Medical documentation from a physician is required to support the modifications for wheelchairs with specialized seating or individualized features;

3. a seating evaluation performed in cooperation with a physical therapist or occupational therapist. The seating evaluation must include the following documentation:

a. the appropriateness of the specific wheelchair requested and all modifications and/or attachments to the specific wheelchair and its ability to meet the recipient's long-term medical needs. Options that are primarily beneficial in allowing the recipient to perform leisure or recreational activities are not covered;

b. documentation that the recipient does not have the upper extremity function necessary to operate a manual wheelchair; and

c. the dated signature of the physician who prescribed the motorized wheelchair and the dated signature of the physical or occupational therapist that participated in the seating evaluation;

4. documentation that the recipient can safely operate the controls for a motorized wheelchair:

a. the ability to safely operate the controls of a motorized wheelchair shall be verified by the notes and recommendation of the recipient's physician, physical therapist, or occupational therapist;

b. such documentation shall be dated and include the name and signature of the physician, physical therapist or occupational therapist who has determined that the recipient can safely operate the controls of the motorized wheelchair;

c. it is not sufficient for a Medicaid provider of motorized wheelchairs to indicate that a recipient can safely operate the controls for a motorized wheelchair.

B. A motorized wheelchair is covered if the recipient's condition is such that the requirement for a motorized wheelchair is long term (at least six months). Approval will

be made for only one wheelchair at a time. Backup chairs, either motorized or manual, will be denied as not medically necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§14825. Repairs**

A. Repairs to motorized wheelchairs will be considered if the request is for basic repairs only, not for major modifications or reconstruction of the chair.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P. O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#071

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Durable Medical Equipment Program  
Nebulizers **C** Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 2002-2003 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, and utilization review, and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides reimbursement for nebulizers through the Durable Medical Equipment Program, based on authorization of medical necessity. A nebulizer is a device used to change

liquid medication into an aerosol, so that it can be inhaled and quickly absorbed. Reimbursement for nebulizers was established at the lower of \$95 or the provider's usual and customary charge. As a result of a budgetary shortfall, the Bureau reduced the reimbursement for nebulizers to the lower of \$60 or the provider's usual and customary charge. This Emergency Rule is being promulgated to continue the provisions contained in the May 1, 2003 Rule (*Louisiana Register, Volume 29, Number 4*). This action is being taken in order to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Durable Medical Equipment Program by approximately \$11,223 for state fiscal year 2002-2003.

**Emergency Rule**

Effective for dates of service August 30, 2003 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces reimbursement for nebulizers to the lower of \$60 or the provider's usual and customary charge.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#072

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Medicaid Eligibility **C** Medically Needy  
Program **C** Incurred Deductions

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 2002-2003 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid Program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a

rule promulgating the Medicaid Eligibility Manual in its entirety by reference in May of 1996 (*Louisiana Register, Volume 22, Number 5*). The department provides Medicaid coverage under the Medically Needy Program that is optional under Title XIX of the Social Security Act Section 1902(a)(10) and 42 CFR Subpart D Section 435.300. The Medically Needy Program includes those individuals or families who meet all AFDC or SSI related categorical requirements and whose income is within the Medically Needy Income Eligibility Standard. It also includes those individuals or families whose resources fall within the categorical limits, but whose income is above the Medically Needy Income Eligibility Standard. These individuals or families having income in excess of the Medically Needy Income Eligibility Standard can reduce excess income by incurring medical and/or remedial care expenses. This method used for determining eligibility is referred to as spend-down. A state may choose to exclude from incurred expenses those bills for services furnished more than three months before the Medicaid application is filed for initial eligibility or in the case of a renewal more than three months before the first month of the new budget period or quarter of coverage. A state is required to deduct any current payment on such excluded expenses.

In compliance with Executive Order MJF 02-29, the Department amended the policy governing the consideration of incurred expenses in the eligibility determination process for the Medically Needy Program (*Louisiana Register, Volume 29, Number 1*). This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

#### **Emergency Rule**

Effective for applications filed on or after August 31, 2003, and those cases in which the eligibility renewal is due on or after January 1, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing deductions for incurred medical expenses in the eligibility determination process for the Medically Needy Program. Those bills for necessary medical and remedial services furnished more than three months before the Medicaid application is filed or for renewals more than three months before the first month of a new budget period or quarter of coverage will be excluded as an incurred expense. Current payments on excluded expenses will be allowed as an incurred expense.

Implementation of this Emergency Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#074

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

#### **Medicaid Eligibility Treatment of Annuities**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule promulgating the *Medicaid Eligibility Manual* in its entirety by reference in May of 1996 (*Louisiana Register, Volume 22, Number 5*). Section I of the *Medicaid Eligibility Manual* addresses the eligibility factors considered in the determination of eligibility.

Section 13611 of the Omnibus Budget Reconciliation Act of 1993 amended Section 1917(c) of the Social Security Act and established Section 1917(d) to set forth rules wherein transfers of assets and trusts must be considered in determining eligibility for Medicaid. Current Medicaid eligibility rules are not clear relative to the consideration of annuities in the eligibility determination process. The policy does not clearly state that an annuity is considered a legal instrument or device similar to a trust.

In order to comply with the Omnibus Budget Reconciliation Act of 1993 and curb abuse in the transfer of assets, the Bureau amended Section I of the *Medicaid Eligibility Manual* in order to clarify current policy regarding annuities (*Louisiana Register, Volume 29, Number 1*). This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule. This action is being taken to avoid a budget deficit that will occur if applicants are allowed to continue to hide assets by not having annuities considered as an available resource.

#### **Emergency Rule**

Effective August 31, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends current Medicaid eligibility policy governing the transfer of assets and trusts to further define and clarify the consideration of annuities in the Medicaid eligibility determination process.

An annuity is considered a legal instrument or device similar to a trust. An annuity is defined as a contract or agreement by which one receives fixed, non variable payments on an investment for a lifetime or a specified number of years. An annuity containing a balloon payment will not be classified as an annuity for Medicaid eligibility purposes, but rather will be considered an available resource. A commercial (non-employment related) annuity purchased by or for an individual using that individual's assets will be

considered an available resource unless it meets all of the following criteria. The annuity:

1. is irrevocable;
2. pays out principal and interest in equal monthly installments (no balloon payment) to the individual in sufficient amounts that the principal is paid out within the actuarial life expectancy of the annuitant;
3. names the State of Louisiana, Department of Health and Hospitals or its successor agency as the residual beneficiary of funds remaining in the annuity, not to exceed any Medicaid funds expended on the individual during his lifetime; and
4. is issued by an insurer or other body licensed and approved to do business in the jurisdiction in which the annuity is established.

This policy change shall be applicable to all pending applications, renewals of eligibility or changes in situations (as defined in Section L of the Medicaid Eligibility Manual) where the applicant/recipient has an annuity. Existing annuities which do not meet all of the above criteria must be amended to comply with these requirements within 90 days of the first renewal or first change in their situation (as defined in Section L of the Medicaid Eligibility Manual) occurring after enactment of this Rule.

Implementation of this Emergency Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#073

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

Nursing Facilities **C** Adult Day Health Care  
Standards for Payment  
(LAC 50:II.10939)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:II.Chapter 109 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Human Resources, Office of Family Security adopted a Rule establishing the Standards for Payment for the Adult Day Health Care Program (*Louisiana Register, Volume 11, Number 6*). The Department of Health and Hospitals, Office of the Secretary, Bureau of

Health Services Financing subsequently promulgated a Rule that amended the reimbursement methodology for Adult Day Health Care services from a facility specific rate based on historical cost to a statewide rate based on set percentages over the median by cost category (*Louisiana Register, Volume 28, Number 11*). The bureau now proposes to amend the prospective payment system reimbursement methodology for adult day health care services.

This action is being taken to enhance federal revenue. It is estimated that the implementation of this proposed Rule will increase revenues by approximately \$1,065,098 in federal funds only for state fiscal year 2003-04.

#### **Title 50**

### **PUBLIC HEALTH **C** MEDICAL ASSISTANCE**

#### **Part II. Medical Assistance Program**

#### **Subpart 3. Standards for Payment**

### **Chapter 109. Standards for Payment **B** Adult Day Health Care**

#### **§10939. Prospective Payment System**

##### **A. General Provisions**

1. Development. Effective August 1, 2003 and thereafter, Adult Day Health Care (ADHC) providers shall be reimbursed a per diem rate for services provided under a prospective payment system (PPS). The system shall be designed in a manner that recognizes and reflects the cost of direct care services provided. The reimbursement methodology is designed to improve the quality of care for all adult day health care recipients by ensuring that direct care services are provided at an acceptable level while fairly reimbursing the providers.

2. The prospective payment methodology establishes blended rates consisting of 50 percent of the PPS rate based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports and 50 percent of the facility specific prospectively determined rate based on facility specific reasonable allowable costs.

3. - 3.d. ...

4. Rate Setting. Adult day health care providers shall be reimbursed blended rates consisting of 50 percent of the PPS rate based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports and 50 percent of the facility specific prospectively determined rate based on facility specific reasonable allowable costs plus a direct care incentive.

a. The PPS rate is based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports.

i. Direct Care Costs. A statewide base rate for direct care is computed at 115 percent of the median facility per diem direct care costs submitted on all full year cost reports except those for which an audit disclaimer has been issued. Direct care costs are trended forward using the Consumer Price Index (CPI) **C** Medical Services.

ii. Care Related Costs. A statewide base rate for care related costs is computed at 105 percent of the median facility per diem care related costs submitted on all acceptable full year cost reports except those for which an audit disclaimer has been issued. Care related costs are trended forward using the CPI **C** All Items.

iii. Administrative and Operating Costs (AOC). A statewide base rate for administrative and operating costs is computed at 105 percent of the median facility per diem

administrative and operating costs submitted on all acceptable full year cost reports except for those for which an audit disclaimer has been issued and are trended forward using the CPI<sup>C</sup>All Items.

iv. Property. The property rate is computed at the median of property costs submitted on all acceptable full year cost reports. Inflation will not be added to property costs.

b. The facility specific prospectively determined rate is based on facility specific reasonable allowable costs. The facility specific prospectively determined rate shall be limited to 80 percent of the nursing facility intermediate care II rate in effect on July 1, 2002 exclusive of the provider fee.

i. Direct Care Costs. Facility specific direct care is based on the facility specific per diem reasonable allowable direct care costs submitted on the acceptable FY 2001 full year cost report. Direct care costs are trended forward using the Consumer Price Index (CPI)<sup>C</sup>Medical Services.

ii. Care Related Costs. Facility specific care related cost is based on the facility specific per diem reasonable allowable care related costs submitted on the acceptable FY 2001 full year cost report. Care related costs are trended forward using the CPI<sup>C</sup>All Items.

iii. Administrative and Operating Costs (AOC). Facility specific AOC is based on the facility specific per diem reasonable allowable AOC submitted on the acceptable FY 2001 full year cost report. AOC are trended forward using the CPI<sup>C</sup>All Items.

iv. Property. Facility specific property cost is based on the facility specific per diem reasonable allowable property costs submitted on the acceptable FY 2001 full year cost report. Inflation will not be added to property costs.

v. Facilities participating prior to August 1, 2003 who have not filed a full year acceptable cost report shall have the facility specific prospectively determined rate for August 1, 2003 through June 30, 2004 based on budgeted data and limited to 80 percent of the nursing facility weighted average case mix rate in effect on July 1, 2003.

vi. For rates effective July 1, 2004 and thereafter, facilities receiving audit disclaimers shall receive a rate equal to the PPS rate based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports trended forward in accordance with this Rule.

c. All trending shall be from the mid-point of the year preceding the cost report year to the midpoint of the year preceding the rate year.

d. Application of an inflationary adjustment to reimbursement rates in non-rebasing years shall apply only when the legislature allocates funds for this purpose.

e. A direct care incentive based on legislative appropriation shall be added to the per diem rate effective August 1, 2003.

5. Total Per Diem Rate. The per diem rate for providers filing acceptable full year cost reports is the sum of 50 percent of the PPS rate based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports plus 50 percent of the facility specific prospectively determined rate based on facility specific reasonable allowable costs plus the direct care incentive.

6. New providers enrolled in the Medicaid program effective August 1, 2003 and thereafter shall receive the PPS

rate based on the base year median reported cost for all ADHC providers filing acceptable cost reports trended forward in accordance with this Rule plus the direct care incentive.

7. Minimum Rate. The minimum adult day health care rate shall be the PPS rate based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports plus the direct care incentive.

8. Cost Settlement. The direct care cost component and the direct care incentive shall be subject to cost settlement. Should an ADHC facility's cost report reveal that the provider did not expend an amount equal to 90 percent of the median direct care rate component trended forward for direct care services plus 90 percent of the direct care incentive, the Medicaid program will recover the difference between 90 percent of the median direct care rate component trended forward for direct care services plus 90 percent of the direct care incentive and the actual direct care amount expended.

#### B. Cost Reporting

1. Providers of ADHC services are required to file annual acceptable cost reports of all reasonable and allowable costs. An acceptable cost report is one that is prepared in accordance with the requirements of this section and the provider has supporting documentation necessary for completion of a desk review or audit. The annual cost reports are the basis for determining reimbursement rates. A copy of all reports and statistical data must be retained by the facility for no less than five years following the date reports are submitted to the bureau. A chart of accounts and an accounting system on the accrual basis or converted at year end are required in the cost reporting preparation process. The bureau or its designee will perform desk reviews of the cost reports. In addition to the desk review, a representative number of the facilities shall be subject to a full-scope, annual on-site audit. All ADHC cost reports shall be filed with a fiscal year from July 1 through June 30.

#### B.2 - C.1.e.iv. ...

##### 2. Rate Determination

a.i. Calculation of Base Rate. Rates for both the PPS rate based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports and the facility specific prospectively determined rate based on facility specific reasonable allowable costs are calculated from cost report data. Allowable costs include those costs incurred by providers to conform to state licensure and federal certification standards. General cost principles are applied during the desk review and audit process to determine allowable costs. These general cost principles include:

(a). determining whether the cost is ordinary, necessary, and related to the delivery of care;

(b). the cost is what a prudent and cost conscious business person would pay for the specific goods or services in the open market or in an arm's length transaction; and

(c). the cost is for goods or services actually provided to the center.

ii. Through the desk review and/or audit process, adjustments and/or disallowances may be made to a provider's reported costs. "HIM-15", the Medicare Provider Reimbursement Manual, is the final authority for allowable



costs unless the Louisiana Department of Health and Hospitals has set a more restrictive policy.

C.2.b. - C.2.c. ...

d. The inflated median shall be increased to establish the base rate median component as follows.

i. The inflated direct care median shall be multiplied times 115 percent to establish the direct care base rate component.

ii. The inflated care related median shall be multiplied times 105 percent to establish the care related base rate component.

iii. The administrative and operating median shall be multiplied times 105 percent to establish the administrative and operating base rate component.

e. At least every three years, audited and desk reviewed cost report items will be compared to the rate components calculated for the cost report year to insure that the rates remain reasonably related to costs.

f. Formulae. Each median cost component shall be calculated as follows.

i. Direct Care Cost Component. Direct care per diem costs from all acceptable full year cost reports shall be arrayed from lowest to highest. The cost at the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average of the two midpoint centers shall be the median cost. The median cost shall be trended forward using the Consumer Price Index for Medical Services. The direct care rate component shall be set at 115 percent of the inflated median.

ii. Care Related Cost Component. Care related per diem costs from all acceptable full year cost reports shall be arrayed from lowest to highest. The cost of the center at the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average of the two midpoint centers shall be the median cost. The median cost shall be trended forward using the Consumer Price Index for All Items. The care related rate component shall be set at 105 percent of the inflated median.

iii. Administrative and Operating Cost Component. Administrative and operating per diem cost from all acceptable full year cost reports shall be arrayed from lowest to highest. The cost of the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average of the two midpoint centers shall be the median cost. The median cost shall be trended forward by dividing the value of the CPI~~C~~All Items index for December of the year proceeding the base rate year by the value of the index for the December of the year preceding the cost report year. The administrative and operating rate component shall be set at 105 percent of the inflated median.

iv. Property Cost Component~~C~~Property. The property per diem costs from all acceptable full year cost reports shall be arrayed from lowest to highest. The cost at the midpoint of the array shall be the median cost. This will be the rate component. Inflation will not be added to property costs.

g. Formulae. Each facility specific prospectively determined cost component shall be calculated as follows.

i. Direct Care Cost Component. The direct care per diem costs from each facility's full year cost reports shall be trended forward using the Consumer Price Index for Medical Services in accordance with this Rule.

ii. Care Related Cost Component. The care related per diem costs from each facility's full year cost reports shall be trended forward using the Consumer Price Index for Medical Services in accordance with this Rule.

iii. Administrative and Operating Cost Component. The administrative and operating per diem cost from each facility's acceptable full year cost reports shall be trended forward using the Consumer Price Index for Medical Services in accordance with this Rule.

iv. Property Cost Component~~C~~Property. The property per diem costs from each facility's acceptable full year cost reports shall be the property cost component. Inflation will not be added to property costs.

v. Facilities participating prior to August 1, 2003 who have not filed a full year acceptable cost report shall have the facility specific prospectively determined rate for August 1, 2003 through June 30, 2004 based on budgeted data and limited to 80 percent of the nursing facility weighted average case mix rate in effect on July 1, 2003;

vi. for rates effective July 1, 2004; and

vii. thereafter, facilities receiving audit disclaimers shall receive a rate equal to the PPS rate based on the median FY 2001 reported cost for all ADHC providers filing acceptable full year cost reports trended forward in accordance with this Rule. No facility specific cost component will be included in the per diem of facilities receiving audit disclaimers.

C.2.h. - C.2.h.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2356 (November 2002), LR 29:

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#003

## **DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Physicians Services~~C~~Cardiology, Maternal Fetal  
Medicine and Inpatient Services~~C~~Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the

Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPCs). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay.

As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the bureau promulgated a rule to increase the reimbursement paid to physicians by restoring a prior 7 percent reduction to the fees for specific procedure codes and increasing the reimbursement for other designated procedure codes (*Louisiana Register, Volume 27, Number 5*). After consultations with cardiologists, maternal fetal medicine specialists and other physicians around the state, the bureau increased the reimbursement rate for designated CPT procedure codes for services rendered to Medicaid recipients (*Louisiana Register, Volume 29, Number 1*). This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule. This action is being taken to protect the health and welfare of Medicaid recipients by ensuring continued access to services and encouraging continued physician participation in the Medicaid Program.

**Emergency Rule**

Effective for dates of service on or after August 31, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for selected cardiology, maternal fetal medicine and hospital care services provided to Medicaid recipients. The following Physicians' Current Procedural Terminology (CPT) procedures shall be reimbursed at 84 percent of the Medicare Region 99 allowable for 2002.

Procedure Description
Transfusion, intrauterine, fetal
Amniocentesis, diagnostic
Chronic villus sampling, any method
Echocardiography, fetal, cardiovascular system, real time
Doppler echocardiography, fetal,...; follow-up or repeat study
Combined right heart catheterization and retrograde left heart catheterization, for congenital cardiac anomalies
Combined right heart catheterization and transseptal left heart catheterization through existing septal opening, with or without retrograde left heart catheterization, for congenital cardiac anomalies
Subsequent hospital care, per day (low complexity)
Subsequent hospital care, per day (moderate complexity)

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O.

Box 91030, Baton Rouge, Louisiana 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#076

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Professional Services Program **C**Antibiotic  
Injections **C**Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPCs). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay.

As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the bureau promulgated a rule to increase the reimbursement paid to physicians by restoring a prior 7 percent reduction to the fees for specific procedure codes and increasing the reimbursement for other designated procedure codes (*Louisiana Register, Volume 27, Number 5*). After consultations with providers around the state, the bureau increased the reimbursement rate for antibiotic injections rendered to Medicaid recipients within a specific age range (*Louisiana Register, Volume 29, Number 1*). This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule. This action is being taken to protect the health and welfare of Medicaid recipients within the specified age range by ensuring continued access to services and encouraging continued provider participation in the Medicaid Program.

**Emergency Rule**

Effective for dates of service on or after August 31, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for antibiotic injections administered to Medicaid recipients up to the age of 21. Antibiotic IM injections shall be reimbursed at a flat rate of \$22.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#075

## **DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Professional Services Program **Orthopedic Services**  
Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPCs). Reimbursement for these services is a flat fee established by the Bureau minus the amount which any third party coverage would pay.

As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the bureau promulgated a rule to increase the reimbursement paid to physicians by restoring a prior 7 percent reduction to the fees for specific procedure codes and increasing the reimbursement for other designated procedure codes (*Louisiana Register, Volume 27, Number 5*). After consultations with orthopedic physicians around the state, the bureau increased the reimbursement rate for designated CPT orthopedic procedure codes for services rendered to Medicaid recipients (*Louisiana Register, Volume 29, Number 1*). This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Emergency Rule. This action is being taken to protect the health and welfare of Medicaid recipients by ensuring continued access to orthopedic services and encouraging continued physician participation in the Medicaid Program.

## **Emergency Rule**

Effective for dates of service on or after August 31, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement paid to physicians for orthopedic services provided to Medicaid recipients. Physicians' Current Procedural Terminology (CPT) orthopedic procedure codes (20000-29898) shall be reimbursed at 80 percent of the Medicare Region 99 allowable for 2002, except for those procedure codes on file that are in non-pay status.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#077

## **DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Professional Services Program **Physician Services**  
Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPCs). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay.

The bureau promulgated an Emergency Rule in February 2000, reducing the reimbursement paid to physicians by 7 percent for specific procedure codes, including surgery procedure codes, as a result of a budgetary shortfall (*Louisiana Register, Volume 26, Number 2*). As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the Bureau subsequently promulgated a rule restoring the 7 percent

reduction to the fees paid to physicians for specific procedure codes and increasing the reimbursement for other designated procedure codes (*Louisiana Register, Volume 27, Number 5*).

After consultations with pediatric surgeons around the state, the bureau increased the reimbursement rate for designated CPT surgical procedure codes for services rendered to recipients within a specific age range (*Louisiana Register, Volume 28, Number 12*). This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule. This action is being taken to protect the health and welfare of Medicaid recipients within the specified age range by ensuring continued access to surgery services and encouraging continued physician participation in the Medicaid Program.

#### **Emergency Rule**

Effective for dates of service on or after August 31, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for selected surgery services provided by the primary servicing physician to Medicaid recipients from birth through 10 years of age. Physicians' Current Procedural Terminology (CPT) surgical procedure codes (10021-69990) shall be reimbursed at 100 percent of the Medicare Region 99 allowable for 2002, except for procedure codes on file that are in non-pay status and procedure codes for newborn circumcisions (54150) and (54160).

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P. O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#078

### **DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Public Hospitals  Inpatient Reimbursement  
Methodology  Target Rate per Discharge

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a

Rule in July of 1983 which established a reimbursement methodology for inpatient services provided in acute care hospitals (*Louisiana Register, Volume 9, Number 7*). Inpatient hospital services were reimbursed in accordance with the Medicare reimbursement principles with a target rate set based on the cost per discharge for each hospital, except that the base year to be used in determining the target rate was the fiscal year ending on September 30, 1981 through September 29, 1982. In a rule adopted in October of 1984 (*Louisiana Register, Volume 10, Number 10*), separate per diem limitations were established for neonatal and pediatric intensive care and burn units using the same base period as the target rate per discharge calculation. A rule was adopted in October 1992, which provided that inpatient hospital services to children under one year of age shall be reimbursed as pass-through costs and shall not be subject to per discharge or per diem limits applied to other inpatient hospital services. The reimbursement methodology was subsequently amended in a rule adopted in June of 1994 which discontinued this reimbursement methodology for all nonstate hospitals and established a prospective payment methodology for nonstate hospitals (*Louisiana Register, Volume 20, Number 6*). The Department rebased the target rate per discharge amounts and per diem limitations for carve out specialty units in state owned or operated hospitals utilizing the amounts calculated per the cost report for the fiscal year ending either on June 30, 2001 or June 30, 2002 (*Louisiana Register, Volume 29, Number 1*). This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule. This action is being taken to enhance federal revenues in the Medicaid Program.

#### **Emergency Rule**

Effective August 31, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing rebases the target rate per discharge amounts and per diem limitations for carve out specialty units in state owned or operated hospitals utilizing the amounts calculated per the cost report for the fiscal year ending either on June 30, 2001 or June 30, 2002. Allowable malpractice costs shall be included in the target rate per discharge and per diem limitations. Data from the 12 month cost reporting period of the base year shall be extracted to determine each hospital's cost per discharge or per day. Inpatient hospital services provided to children under one year of age in state owned or operated hospitals shall continue to be reimbursed as pass-through costs and shall not be subject to per discharge or per diem limits applied to other inpatient hospital services.

Implementation of the provisions of this Emergency Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#080

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Public Nursing Facilities Reimbursement Methodology (LAC 50:VII.1309)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

Act 694 of the 2001 Regular Session of the Louisiana Legislature mandated that the Department of Health and Hospitals establish a case-mix reimbursement methodology for nursing homes. In accordance with Act 694, the Bureau repealed the June 20, 1984 Rule and established a new reimbursement methodology based on a case-mix price-based reimbursement system for private and public nursing facilities (*Louisiana Register, Volume 28, Number 8*). The Department subsequently promulgated an Emergency Rule revising the reimbursement methodology for state-operated nursing facilities in order to reimburse these facilities in accordance with the Medicare upper payment limit (*Louisiana Register, Volume 28, Number 11*). The bureau amended the provisions contained in the August 20, 2002 Rule governing the reimbursement methodology for public nursing facilities. In addition the bureau repealed the October 14, 2002 Emergency Rule (*Louisiana Register, Volume 29, Number 1*).

This action is being taken to enhance federal revenue. This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule.

Effective for dates of services on or after August 31, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the October 14, 2002 Emergency Rule and amends the provisions contained in the August 20, 2002 Rule governing the reimbursement methodology for public nursing facilities.

#### Title 50

### PUBLIC HEALTH MEDICAL ASSISTANCE

#### Part VII. Long Term Care Services

##### Subpart 1. Nursing Facilities

#### Chapter 13. Reimbursement

#### §1309. State-Owned or Operated and Nonstate

##### Government-Owned or Operated Facilities

A. Nonstate government-owned or operated nursing facilities will be paid a prospective reimbursement rate. Each facility will receive a Medicaid base rate calculated in accordance with other sections of this rule. Nonstate government-owned or operated nursing facilities may also receive a supplemental Medicaid payment on a quarterly basis. The aggregate supplemental payments for these facilities, calculated on a quarterly basis, will be the state's best estimate of what nonstate government-owned or

operated facilities would be paid under Medicare's prospective payment system for skilled nursing facilities less the aggregate Medicaid base payments for these facilities. The acuity measurements used in the supplemental Medicaid payment calculations will be the acuity of each facility's Medicaid residents, as determined under Medicare's 44 RUG classification methodology. Adjustments to the aggregate supplemental Medicaid payments will be made to account for differences in coverage between the Medicare and Medicaid programs.

B. State-owned or operated nursing facilities will be paid a prospective reimbursement rate. The payment rate for each of these facilities will be calculated on a quarterly basis and shall be the greater of the state's best estimate of what the facility would be paid under Medicare prospective payment system for skilled nursing facilities or the nursing facility's allowable cost from the most recent filed Medicaid cost report trended forward to the midpoint of the rate year using the index factor. The acuity measurements used in the quarterly rate calculations will be the acuity of each facility's Medicaid residents, as determined under Medicare's 44 RUG classification methodology. Adjustments to these gross Medicare prospective payment rates will be made to account for differences in coverage between the Medicare and Medicaid programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1475 (June 2002), repromulgated LR 28:1793 (August 2002), amended LR 29:

Implementation of the provisions of this Emergency Rule shall be delayed until January 31, 2003 and will be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0308#079

## DECLARATION OF EMERGENCY

### LSU Health Sciences Center Health Care Services Division

#### Minimum Fee in Outpatient Clinics and Emergency Rooms (LAC 48:XI.1309)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that as a result of Act 906, R.S. 46:6(A) of the 2003 Regular Session, LAC 48:XI.1309 is hereby repealed. The effective date of the repeal of Section 1309 is August 3, 2003.

**Title 48**  
**PUBLIC HEALTH**~~C~~**GENERAL**  
**Part XI. Hospitals**  
**Subpart 3. General Hospitals**  
**Chapter 13. Admissions, Eligibility, Fees**  
**§1309. Minimum Fee in Outpatient Clinics and**  
**Emergency Room**

Repealed.

AUTHORITY NOTE: Promulgated 46.6(A) as a result of Act 893 of 1991. Repealed in accordance with amended R.S. 46:6(A) (Act 906 of the 2003 Regular Session.)

HISTORICAL NOTE: Promulgated by the Louisiana Health Care Authority, LR 20:667 (June 1994), repealed by the LSU Health Science Center, Health Care Services Division, LR 29:

James Brexler, MPA, F.A.C.H.E.  
Vice Chancellor  
and  
Chief Executive Officer

0308#100

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

2003 Fall Inshore Shrimp Season

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters, the Wildlife and Fisheries Commission does hereby set the 2003 Fall Shrimp Season in Louisiana waters to open as follows:

Shrimp Management Zone 1, that portion of Louisiana's inside waters from the Mississippi-Louisiana State line to the eastern shore of South Pass of the Mississippi River, to open at official sunrise August 18, 2003, and

Shrimp Management Zone 2, that portion of Louisiana's inside waters from the eastern shore of South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at official sunrise August 11, 2003, and

Shrimp Management Zone 3, that portion of Louisiana's inside waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana-Texas state line, to open at official sunrise August 11, 2003.

The Commission also hereby sets the closing date for the 2003 Fall Inshore Shrimp Season in Zone 2 and Zone 3 at official sunset December 16, 2003, and Zone 1 at official sunset December 31, 2003 except in the open waters of Breton and Chandeleur Sounds as described in the menhaden rule (LAC 76:VII.307D) which shall remain open until 6 a.m., March 31, 2004. The Commission also grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing dates if biological and technical data indicate the need to do so or if enforcement problems develop and to close and reopen all or parts of

state outside waters if significant numbers of small white shrimp are found in these waters.

Terry D. Denmon  
Chairman

0308#036

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

2003 Spring Shrimp Season~~C~~Remainder of Zone 1 Closure

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 1, 2003 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2003 Spring Shrimp Season in any portion of the state's inside waters to protect small white shrimp if biological and technical data indicates the need to do so or if enforcement problems develop, the Secretary hereby declares:

The 2003 spring shrimp season in inside waters will close in the remainder of Shrimp Management Zone 1 on July 25, at 6 a.m. except for the open waters of Breton and Chandeleur Sounds as described in the Menhaden Rule (LAC 76:VII.307D). Zone 1 comprises state inside waters from the Mississippi-Louisiana state line to the eastern shore of South Pass of the Mississippi River.

The relative number, percentage and distribution of small white shrimp immigrating into the area to be closed has increased substantially in the last week and the region is being closed to protect these developing shrimp.

With this closure, all state inside waters from the Mississippi-Louisiana state line west to the Louisiana-Texas state line except for Breton and Chandeleur Sounds, are closed to the harvest of shrimp.

The State Territorial waters south of the Inside/Outside Shrimp Line, as described in R.S. 56:495, shall remain open to shrimping.

James H. Jenkins Jr.  
Secretary

0308#004

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

2003-2004 Fur Harvest

In accordance with the provisions of R.S. 56:259(A) which authorizes the Wildlife and Fisheries Commission to set the open season for the taking of non-game quadrupeds

and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year and in accordance with emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 2003-2004 fur harvest season, statewide from November 20, 2003 through March 31, 2004. The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to extend or shorten the adopted season.

Terry D. Denmon  
Chairman

0308#033

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2003-2004 Migratory Bird Hunting Season

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

The hunting seasons for early migratory birds during the 2003-2004 hunting season shall be as follows.

#### Migratory Birds Other than Waterfowl 2003-2004 Hunting Seasons

**Mourning Dove:** Split Season, Statewide, 70 days

September 6-September 14

October 11-November 23

December 20-January 5

Mourning Dove and fully dressed Eurasian Collared-Doves and Ringed Turtle-Doves: Daily bag limit 12 in aggregate, Possession 24 but note: Eurasian Collared-Doves and Ringed Turtle-Doves and Eurasian collared-doves and ringed turtle-doves may only be hunted or taken during the open mourning dove season. There is no bag limit on Eurasian collared-doves or ringed turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian-collared doves and ringed turtle-doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the daily bag limit for mourning doves.

**Teal:** September 13-September 28

Daily bag limit 4, Possession limit 8, Blue-winged, Green-winged and Cinnamon teal only. Federal and State waterfowl stamps required.

**Rails:** Split Season

September 13-September 28

Remainder of season to be set in August with duck regulations.

**King and Clapper:** Daily bag limit 15 in the aggregate, Possession 30.

**Sora and Virginia:** Daily bag and possession 25 in the aggregate.

**Gallinules:** Split Season

September 13-September 28

Remainder of season to be set in August with duck regulations.

Daily bag limit 15, Possession limit 30

**Woodcock:** December 18-January 31

Daily bag limit 3, Possession 6

**Snipe:** November 14-February 28

Daily bag limit 8, Possession 16

#### Shooting Hours:

Teal, Rail, Woodcock, Snipe and Gallinule: One-half hour before sunrise to sunset.

Mourning Dove: One-half hour before sunrise to sunset except on September 6-7, October 11-12, and December 20-21 when shooting hours will be 12 noon to sunset.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits, and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective on September 1, 2003 and extend through sunset on February 28, 2004.

James H. Jenkins, Jr.  
Secretary

0308#032

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2003-2004 Oyster Season

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967(D), and under the authority of R.S. 56:433 and R.S. 56:435.1 notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

The oyster season in the following areas will open one-half hour before sunrise on September 3, 2003 and will close one-half hour after sunset on April 1, 2004: the Louisiana Public Oyster Seed Grounds not currently under lease located in the Bay Gardene Oyster Seed Reservation and the designated temporary natural reef in Little Lake and vicinity.

The oyster season in the following areas will open one-half hour before sunrise on September 10, 2003 and close one-half hour after sunset on April 1, 2004: the primary public seed grounds east of the Mississippi River bordered on the north by the Louisiana/Mississippi state line and on the south by the Mississippi River and North Pass including that portion of Lake Borgne as described in LAC 76:VII.513, the sacking only area of the public grounds which is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet, and the Hackberry Bay Oyster Seed Reservation.

The oyster season in the Bay Junop Public Oyster Seed Reservation will open one-half hour before sunrise on September 3, 2003 and will close one-half hour after sunset on September 9, 2003 in the northern portion of the bay only as determined by the traditional November/February

Department of Health and Hospital seasonal classification line which begins on the eastern shoreline of Bay Junop at latitude 29° 14' 03" N, longitude 91° 02' 37" W and follows a westerly line to the western shoreline at latitude 29° 13' 40" N, longitude 91° 03' 31" W.

The oyster season in the Sister (Caillou) Lake Public Oyster Seed Reservation will open for harvest of seed and sack oysters one-half hour before sunrise on September 10, 2003 and close one-half hour after sunset on November 18, 2003.

The season for the Calcasieu Lake public tonging area will open one-half hour before sunrise on October 15, 2003 and will remain open until one-half hour after sunset on April 30, 2004. However, these conservation actions will not supercede public health closures.

The following areas will remain closed for the 2003/2004 oyster season: the Public Oyster Seed Grounds located in portions of Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, Deep Lake, and Barataria Bay (as described in LAC 76:VII.517), the Atchafalaya-Vermilion Bay Public Oyster Seed Grounds as described in LAC 76:VII.507 and 509, and the Sabine Lake Public Tonging Area.

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, or if enforcement problems are encountered.

The Secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended, or may open areas if substantial oyster resources are located.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

Terry D. Denmon  
Chairman

0308#034

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Bobcat Hunting Season**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, and under the authority of R.S. 56:115 and Act 1248 of the 2003 Regular Legislative Session, the Wildlife and Fisheries Commission hereby adopt the following Emergency Rule.

Properly licensed big game hunters may take a bobcat during the open deer hunting season. The season limit on bobcats taken by recreational deer hunters shall be one.

Legal shooting hours and methods of take shall be the same as those for deer in each area of the state.

This Rule shall take effect on September 13, 2003 which coincides with the opening of the 2003 archery season.

Terry D. Denmon  
Chairman

0308#031

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Red Snapper Spring Commercial Season Closure**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in its resolution of January 2, 2003 to close the 2003 spring commercial red snapper season in Louisiana state waters when he is informed that the designated portion of the commercial red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled, the Secretary hereby declares:

Effective 12 noon, August 7, 2003, the commercial fishery for red snapper in Louisiana waters will close and remain closed until 12 noon October 1, 2003. Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen once the recreational season opens. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper. Effective with closure, no person shall possess red snapper in excess of a daily bag limit, which may only be in possession during the open recreational season as described above. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing red snapper taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The Secretary has been notified by National Marine Fisheries Service that the commercial red snapper season in Federal waters of the Gulf of Mexico will close at 12 noon August 7, 2003. Closing the season in State waters is necessary to provide effective Rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

James H. Jenkins, Jr.  
Secretary

0308#037



**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Tangipahoa Parish School Board WMA

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

**2003-2004 Hunting Regulations**

Tangipahoa Parish School Board Wildlife Management Area (Region 7): (Loranger Tract: 346.89 acres) and (Husser Tract: 647.12 acres)

Self-Clearing Permits Required.

Deer: Same as outside except still hunt only.

Small Game: Same as outside except beagles permitted January 26-February 29; squirrel dogs permitted January 26-February 8

Raccoon (Nighttime): January 26-February 29

No ATVs. Walk-in only.

Horseback Riding: Organized trail rides prohibited. Riding allowed only on designated roads and trails. Horses and mules are specifically prohibited during turkey and gun seasons for deer.

Contact Wildlife Division, Region 7 for maps and specific information.

A Declaration of Emergency is necessary to establish the hunting season for Tangipahoa Parish School Board Wildlife Management Area. A lease agreement was recently completed on the tracts and as such was not included with the original Notice of Intent.

Terry D. Denmon  
Chairman

0308#038

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Temporary Natural Reef

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and in accordance with R.S. 56:6(12) and R.S. 56:433, the Wildlife

and Fisheries Commission and the Department of Wildlife and Fisheries declare and designate those waterbottoms of Little Lake and vicinity in Jefferson and Lafourche Parishes more specifically described below to be a designated temporary natural reef.

The oyster resource located on this designated reef may be irretrievably lost due to the anticipated operation of the Davis Pond Freshwater Diversion structure, which poses imminent peril to the welfare of the people of the state as a result of the permanent and irreplaceable loss of this natural resource and the resulting loss of economic benefit to the oyster industry. Inasmuch as the Davis Pond Freshwater Diversion is anticipated to resume normal operations within 12 months, standard rulemaking procedures and timeframes would leave little, if any, time for an orderly and efficient harvest of this resource. Therefore, the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries do hereby declare the waterbottoms of Little Lake and vicinity in Jefferson and Lafourche parishes as described below a designated temporary natural reef:

Beginning at the point on the western bank of the Barataria Waterway, latitude of 29° 34' 40" North, longitude 90° 03' 35.070" West; thence southerly along the western bank of the Barataria Waterway to a point, latitude 29° 30' 27.226" North, longitude 90° 01' 25.438" West; thence southwesterly to a point, latitude 29° 26' 37.361" North, longitude 90° 07' 26.119" West; thence northwesterly to a point, latitude 29° 28' 50.000" North, longitude 90° 11' 40.000" West; thence North to a point, latitude 29° 34' 40.000" North, longitude 90° 11' 40.000" West; thence East to the point of beginning.

All statutes, regulations, and policies pertaining to the use of public oyster grounds will be in force in this temporary natural reef with the exception of any additional mitigation requirements levied from time to time for construction, oil and gas exploration, or pipeline construction activities.

This Declaration of Emergency will become effective on September 3, 2003, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until revocation by the Commission and the Department.

Terry D. Denmon  
Chairman

0308#035

# Rules

## RULE

### Department of Agriculture and Forestry Horticulture Commission

Application for Examination  
and Licensure or Permitting  
(LAC 7:XXIX.107 and 119)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, has amended regulations regarding advertisement and solicitation for non-licensed landscape architects or retail florists.

The Rule change to §107 extends the time period for retail florists to complete passage of the retail florist exam and reduces the need for retail florists to retake parts of the exam. The Rule change to §119 limits the use of the word design or designer to licensed landscape architects or retail florists, in order to further delineate the distinction between the professions of landscape contractor and landscape architect.

These Rules are enabled by R.S. 3:3801.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXIX. Horticultural Commission

#### Chapter 1. Horticulture

#### §107. Application for Examination and Licensure or Permitting

A. Each applicant must complete the application form prescribed by the commission for the area in the practice of horticulture for which the license or permit is sought.

B. Retail Florist

1. - 2. ...

3. Both phases of the examination for licensure as a retail florist must be successfully completed within three years after successful completion of one phase. In any case where more than three years has elapsed since the applicant successfully completed one phase of the examination, the applicant must apply, and pay the fee required under §109.A.1, to retake the entire examination.

C.2. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, R.S. 3:3807, and 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:7 (January 1988), LR 18:249 (March 1992), LR 20:639 (June 1994), LR 23:854 (July 1997), LR 29:1460 (August 2003).

#### §119. Prohibition

A. - E. ...

F. No licensee, permittee or person engaged in any profession or occupation regulated by the commission shall use the words "design" or "designer" or any form of these

words, whether separately or in combination with other words in any advertisement, solicitation or title, or on any estimate, contract or other document, except for those persons who are licensed as a landscape architect or as a retail florist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:186 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 29:1460 (August 2003).

Bob Odom  
Commissioner

0308#024

## RULE

### Department of Agriculture and Forestry Office of the Commissioner

Contagious Diseases (LAC 7:XXI.121)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Commissioner, has amended regulations regarding the reporting of contagious diseases.

This regulation is being updated to reflect the current list of animal and poultry diseases that are of regulatory importance and present potential risk to human health. Some of these diseases are added since they are no longer found in Louisiana and special attention must be accorded them if and when they are diagnosed. Others are new and emerging diseases that were not a concern in the past.

These Rules comply with and are enabled by R.S. 3:2093, R.S. 3:2094, and R.S. 3:2095.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXI. Diseases of Animals

#### Chapter 1. General Provisions

#### §121. Requiring the Reporting of Contagious Diseases

A. In order to improve the protection of the animals and poultry populations from the effects of contagious diseases, all veterinarians licensed in the state of Louisiana are required to report to the state veterinarian, by telephone, fax, or electronic mail within 24 hours after diagnosis or tentative diagnosis, the occurrence or suspected occurrence of the following contagious diseases or symptoms: including but not limited to classical swine fever (hog cholera), anthrax, vesicular conditions, all equine encephalomyelitis conditions, transmissible spongiform encephalopathies (including chronic wasting disease, scrapie, bovine spongiform encephalopathy), pseudorabies (Aujeszky's Disease), tuberculosis, brucellosis, rabies, Newcastle Disease and other paramyxovirus infections, avian influenza

(highly pathogenic), ornithosis (chlamydiosis, psittacosis), salmonellas (pullorum disease or fowl typhoid), infectious laryngotracheitis (other than vaccine induced), any disease classified by USDA as a foreign animal disease, or any other disease condition which may seriously threaten the welfare of the animal and poultry populations of this state.

B. Reports should include the:

1. name, address and phone number of the owner;
2. location of the premises;
3. morbidity and mortality rate at the time of reporting;
4. number of susceptible animals in the immediate area; and
5. approximate number of animals or poultry exposed.

C. Reports of disease outbreaks will be coordinated by the state veterinarian.

D. Livestock owners who suspect the occurrence of contagious disease should immediately contact the local practicing veterinarian, area regulatory veterinarian or county agent who, in turn, will be responsible for reporting to the state veterinarian.

E. An investigation of the reported contagious disease will be made by representatives of the livestock sanitary board, preferably with the veterinarian or county agent reporting the disease. If necessary to protect the animal and poultry populations, a quarantine may be imposed on involved and exposed animals and areas. The quarantine will remain in effect until the threat has been removed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2094 and R.S. 3:2095.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:234 (March 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:813 (October 1989), LR 16:391 (May 1990), LR 23:197 (February 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 29:1460 (August 2003).

Bob Odom  
Commissioner

0308#025

#### **RULE**

#### **Board of Elementary and Secondary Education**

Bulletin 1566 **CR** Guidelines for Pupil Progression  
(LAC 28:XXXIX.1301)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Elementary and Secondary Education has amended Bulletin 1566, *Guidelines for Pupil Progression*, referenced in LAC 28:I.907.A. The State Board of Elementary and Secondary Education (SBESE) at its February 2003 meeting approved a change to the High Stakes Testing Policy which is incorporated into Bulletin 1566, *Guidelines for Pupil Progression*. The Rule change eliminates the previously allowed one-year deferment from testing in the LEAP 21 for Limited English Proficient (LEP) students. The action is necessary to bring Louisiana's High Stakes Testing Policy in line with the federal No Child Left Behind legislation.

#### **Title 28**

#### **EDUCATION**

#### **Part XXXIX. Bulletin 1566 **CR** Guidelines for Pupil Progression**

#### **Chapter 13. Appendix B**

#### **§1301. LEAP for the 21st Century, High Stakes Testing Policy**

##### **A. Grade 4**

1. - 6.b.i.(c).(i). ...

c. Waiver for Limited English Proficient (LEP) Students

i. LEP students shall participate in statewide assessment. The SBLC shall be granted the authority to waive the state's grade promotion policy for an LEP student. An LEP student who was granted a waiver at the 4th grade level is ineligible for a waiver at the 8th grade level.

6.c.ii. - 7 ...

##### **B. Grade 8**

1. - 8.b.i.(c).(i). ...

c. Waiver for Limited English Proficient (LEP) Students

i. LEP students shall participate in statewide assessment. The SBLC shall be granted the authority to waive the state's grade promotion policy for an LEP student. An LEP student who was granted a waiver at the 4th grade level is ineligible for a waiver at the 8th grade level.

##### **d. Appeals Process**

8.d.i. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:1008 (July 2001), amended LR 27:1683 (October 2001), LR 28:1189 (June 2002), LR 29:1461 (August 2003).

Weegie Peabody  
Executive Director

0308#017

#### **RULE**

#### **Board of Elementary and Secondary Education**

Bulletin 1706 **CR** Regulations for Implementation of the Children with Exceptionalities Act  
Students with Disabilities  
(LAC 28:XLIII.1001)

Editor's Note: LAC 28:XLIII.1001 was amended in the June 20, 2003 issue of the *Louisiana Register*. It is being repromulgated to correct a codification error.

#### **Title 28**

#### **EDUCATION**

#### **Part XLIII. Bulletin 1706 **CR** Regulations for Implementation of the Children with Exceptionalities** **Subpart A. Regulations for Students with Disabilities** **Chapter 10. State Program Rules for Special Education**

#### **§1001. Pupil/Teacher, Pupil/Speech/Language Pathologist, and Pupil Appraisal Ratios for Public Education**

A. - 6. ...

7. Repealed. (Reserved for future use.)

8. - 12. ...

13. Pupil appraisal members shall be employed by LEAs at the rate listed below. LEAs may substitute one pupil appraisal for another provided that all pupil appraisal services are provided in accordance with these regulations.

	<b>Public School Ratios Based on Membership</b>	<b>Private School Ratios Based on Membership</b>
<b>Educational Diagnosticians</b>	1:2,400 or major fraction thereof	1:3,500 or major fraction thereof
<b>School Psychologists</b>	1:2,400 or major fraction thereof	1:3,500 or major fraction thereof
<b>Social Workers</b>	1:3,200 or major function thereof	1:4,500 or major function thereof

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:687 (April 2000), amended LR 29:897 (June 2003), repromulgated LR 29:1461 (August 2003).

Weegie Peabody  
Executive Director

0308#106

### **RULE**

#### **Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division**

#### **Concentrated Animal Feeding Operations (LAC 33:IX.2331, 2335, 2345, 2357, and 2533)(WQ050\*)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.2331, 2335, 2345, 2357, and 2533 (Log #WQ050\*).

This Rule is identical to federal regulations found in 68 FR 7265-7269, No. 29, 2/12/03, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule ensures that concentrated animal feeding operations (CAFOs) take appropriate actions to manage manure effectively in order to protect the state's water quality. Improperly managed manure has caused serious, acute, and chronic water problems. This Rule will strengthen the requirements for CAFOs. The Rule establishes a mandatory requirement for all CAFOs to apply for an LPDES permit and to develop and implement a nutrient management plan. The revised guidelines establish performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper land application practices at the CAFO. This rulemaking is necessary to maintain delegation, authorization, etc., granted to Louisiana by EPA and to keep Louisiana's water regulations current with their federal

counterpart. The basis and rationale for this Rule are to protect the waters of the state of Louisiana and to mirror the federal regulations in order to maintain equivalency.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

### **Title 33 ENVIRONMENTAL QUALITY Part IX. Water Quality**

#### **Chapter 23. The LPDES Program Subchapter B. Permit Application and Special LPDES Program Requirements**

##### **§2331. Application for a Permit**

###### **A. Duty to Apply**

1. Any person who discharges or proposes to discharge pollutants or who owns or operates a sludge-only facility whose sewage sludge use or disposal practice is regulated by 40 CFR Part 503, and who does not have an effective permit, except persons covered by general permits under LAC 33:IX.2345, or discharges excluded under LAC 33:IX.2315, or a user of a privately owned treatment works unless the state administrative authority requires otherwise under LAC 33:IX.2361.M, must submit a complete application to the Office of Environmental Services, Permits Division in accordance with this Section and LAC 33:IX.Chapter 23.Subchapters E-G. All concentrated animal feeding operations have a duty to seek coverage under an LPDES permit as described in LAC 33:IX.2335.D.

###### **A.2. - I. ...**

1. For concentrated animal feeding operations (CAFOs):

- a. the name of the owner or operator;
- b. the facility location and mailing address(es);
- c. the latitude and longitude of the production area (entrance to production area);
- d. a topographic map of the geographic area in which the CAFO is located showing the specific location of the production area, in lieu of the requirements of Paragraph F.7 of this Section;
- e. specific information about the number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);
- f. the type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below ground storage tanks, concrete pad, impervious soil pad, other) and total capacity for manure, litter, and process wastewater storage (tons/gallons);
- g. the total number of acres under control of the applicant available for land application of manure, litter, or process wastewater;
- h. the estimated amounts of manure, litter, and process wastewater generated per year (tons/gallons);
- i. the estimated amounts of manure, litter, and process wastewater transferred to other persons per year (tons/gallons); and

j. for CAFOs that must seek coverage under a permit after December 31, 2006, certification that a nutrient management plan has been completed and will be implemented upon the date of permit coverage.

I.2. - R.4.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2552 (November 2000), LR 26:2756 (December 2000), LR 27:45 (January 2001), LR 28:465 (March 2002), LR 28:1766 (August 2002), LR 29:1462 (August 2003).

### §2335. Concentrated Animal Feeding Operations

A. Permit Requirement for CAFOs. Concentrated animal feeding operations, as defined in Subsection B of this Section, are point sources that require LPDES permits for discharges or potential discharges. Once an operation is defined as a CAFO, the LPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals, regardless of the type of animal.

#### B. Definitions Applicable to this Section

*Animal Feeding Operation (AFO)* is a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- a. animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- b. crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

*Concentrated Animal Feeding Operation (CAFO)* is an AFO that is defined as a *Large CAFO* or as a *Medium CAFO* by the terms of this Subsection, or that is designated as a CAFO in accordance with Subsection C of this Section. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

*Land Application Area* is land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.

*Large Concentrated Animal Feeding Operation (Large CAFO)* is an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- a. 700 mature dairy cows, whether milked or dry;
- b. 1,000 veal calves;
- c. 1,000 cattle other than mature dairy cows or veal calves (*Cattle* includes but is not limited to heifers, steers, bulls, and cow/calf pairs.);
- d. 2,500 swine, each weighing 55 pounds or more;
- e. 10,000 swine, each weighing less than 55 pounds;
- f. 500 horses;
- g. 10,000 sheep or lambs;
- h. 55,000 turkeys;

i. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;

j. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;

k. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;

l. 30,000 ducks, if the AFO uses other than a liquid manure handling system; or

m. 5,000 ducks, if the AFO uses a liquid manure handling system.

*Manure* includes manure, bedding, compost, and raw materials or other materials commingled with manure or set aside for disposal.

*Medium Concentrated Animal Feeding Operation (Medium CAFO)* includes any AFO with the type and number of animals that fall within any of the ranges listed in this definition and that has been defined or designated as a CAFO. An AFO is a *Medium CAFO* if:

a. the type and number of animals that it stables or confines falls within any of the following ranges:

i. 200 to 699 mature dairy cows, whether milked or dry;

ii. 300 to 999 veal calves;

iii. 300 to 999 cattle other than mature dairy cows or veal calves (*Cattle* includes but is not limited to heifers, steers, bulls, and cow/calf pairs.);

iv. 750 to 2,499 swine, each weighing 55 pounds or more;

v. 3,000 to 9,999 swine, each weighing less than 55 pounds;

vi. 150 to 499 horses;

vii. 3,000 to 9,999 sheep or lambs;

viii. 16,500 to 54,999 turkeys;

ix. 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;

x. 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;

xi. 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;

xii. 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system; or

xiii. 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system; and

b. either one of the following conditions are met:

i. pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or

ii. pollutants are discharged directly into waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

*Process Wastewater* is water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. *Process wastewater* also includes any water that comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.

**Production Area** That part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under-house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, feed silos, silage bunkers, and bedding materials. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions that separate uncontaminated storm water. Also included in the definition of *production area* are any egg washing or egg processing facility and any area used in the storage, handling, treatment, or disposal of mortalities.

**Small Concentrated Animal Feeding Operation (Small CAFO)** An AFO that is designated as a CAFO and is not a *Medium CAFO*.

C. How May an AFO be Designated as a CAFO? The appropriate authority (i.e., state administrative authority or regional administrator, or both, as specified in Paragraph C.1 of this Section) may designate any AFO as a CAFO upon determining that it is a significant contributor of pollutants to waters of the state.

1. Who May Designate?

a. **Approved States.** In states that are approved or authorized by EPA under 40 CFR Part 123, CAFO designations may be made by the state administrative authority. The regional administrator may also designate CAFOs in approved states, but only where the regional administrator has determined that one or more pollutants in the AFO's discharge contributes to an impairment in a downstream or adjacent state or Indian country water that is impaired for that pollutant.

b. **States With No Approved Program.** The regional administrator may designate CAFOs in states that do not have an approved program and in Indian country where no entity has expressly demonstrated authority and has been expressly authorized by EPA to implement the NPDES program.

2. In making this designation, the state administrative authority or the regional administrator shall consider the following factors:

- a. the size of the AFO and the amount of wastes reaching waters of the state;
- b. the location of the AFO relative to waters of the state;
- c. the means of conveyance of animal wastes and process wastewaters into waters of the state;
- d. the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes, manure, and process wastewaters into waters of the state; and
- e. other relevant factors.

3. No AFO shall be designated under this Subsection unless the state administrative authority or the regional administrator has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program. In addition, no

AFO with numbers of animals below those established in the definition of *Medium CAFO* in Subsection B of this Section may be designated as a CAFO unless:

a. pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or

b. pollutants are discharged directly into waters of the state that originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

D. Who Must Seek Coverage Under an LPDES Permit?

1. All CAFO owners or operators must apply for a permit. All CAFO owners or operators must seek coverage under an LPDES permit, except as provided in Paragraph D.2 of this Section. Specifically, the CAFO owner or operator must either apply for an individual LPDES permit or submit a notice of intent for coverage under an LPDES general permit. If the state administrative authority has not made a general permit available to the CAFO, the CAFO owner or operator must submit an application for an individual permit to the state administrative authority.

2. **Exception.** An owner or operator of a Large CAFO does not need to seek coverage under an LPDES permit otherwise required by this Section once the owner or operator has received from the state administrative authority notification of a determination under Subsection F of this Section that the CAFO has "no potential to discharge" manure, litter, or process wastewater.

3. **Information to Submit with Permit Application.** A permit application for an individual permit must include the information specified in LAC 33:IX.2331. A notice of intent for a general permit must include the information specified in LAC 33:IX.2331 and LAC 33:IX.2345.

E. Land application discharges from a CAFO are subject to LPDES requirements. The discharge of manure, litter, or process wastewater to waters of the state from a CAFO as a result of the application of that manure, litter, or process wastewater by the CAFO to land areas under its control is a discharge from that CAFO subject to LPDES permit requirements, except where it is an agricultural storm water discharge as provided in 33 U.S.C. 1362(14). For purposes of this Subsection, where the manure, litter, or process wastewater has been applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified under LAC 33:IX.2357.E.1.f-i, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO is an agricultural storm water discharge.

F. "No Potential to Discharge" Determinations for Large CAFOs

1. **Determination by the State Administrative Authority.** The state administrative authority, upon request, may make a case-specific determination that a Large CAFO has "no potential to discharge" pollutants to waters of the state. In making this determination, the state administrative authority must consider the potential for discharges from both the production area and any land application areas. The state administrative authority must also consider any record of prior discharges by the CAFO. In no case may the CAFO be determined to have "no potential to discharge" if it has

had a discharge within the five years prior to the date of the request submitted under Paragraph F.2 of this Section. For purposes of this Section, the term "no potential to discharge" means that there is no potential for any CAFO manure, litter, or process wastewater to be added to waters of the state under any circumstance or climatic condition. A determination that there is "no potential to discharge" for purposes of this Section only relates to discharges of manure, litter, and process wastewater covered by this Section.

2. Information to Support a "No Potential to Discharge" Request. In requesting a determination of "no potential to discharge," the CAFO owner or operator must submit any information that would support such a determination within the time frame provided by the state administrative authority and in accordance with Subsections G and H of this Section. Such information must include all of the information specified in LAC 33:IX.2331.F and I.1.a-i. The state administrative authority has discretion to require additional information to supplement the request and may also gather additional information through on-site inspection of the CAFO.

3. Process for Making a "No Potential to Discharge" Determination. Before making a final decision to grant a "no potential to discharge" determination, the state administrative authority must issue a notice to the public stating that a "no potential to discharge" request has been received. This notice must be accompanied by a fact sheet that includes, when applicable, a brief description of the type of facility or activity that is the subject of the "no potential to discharge" determination, a brief summary of the factual basis upon which the request is based for granting the "no potential to discharge" determination, and a description of the procedures for reaching a final decision on the "no potential to discharge" determination. The state administrative authority must base the decision to grant a "no potential to discharge" determination on the administrative record, which includes all information submitted in support of a "no potential to discharge" determination and any other supporting data gathered by the permitting authority. The state administrative authority must notify any CAFO seeking a "no potential to discharge" determination of its final determination within 90 days of receiving the request.

4. What is the Deadline for Requesting a "No Potential to Discharge" Determination? The owner or operator must request a "no potential to discharge" determination by the applicable permit application date specified in Subsection G of this Section. If the state administrative authority's final decision is to deny the "no potential to discharge" determination, the owner or operator must seek coverage under a permit within 30 days after the denial.

5. The "no potential to discharge" determination does not relieve the CAFO from the consequences of an actual discharge. Any unpermitted CAFO that discharges pollutants into the waters of the state is in violation of the Clean Water Act even if it has received a "no potential to discharge" determination from the state administrative authority. Any CAFO that has received a determination of "no potential to

discharge," but which anticipates changes in circumstances that could create the potential for a discharge, should contact the state administrative authority and apply for and obtain permit authorization prior to the change of circumstances.

6. The state administrative authority retains authority to require a permit. When the state administrative authority has issued a determination of "no potential to discharge," the state administrative authority retains the authority to subsequently require LPDES permit coverage if circumstances at the facility change, if new information becomes available, or if there is another reason for the state administrative authority to determine that the CAFO has a potential to discharge.

G. When Must a CAFO Seek Coverage Under an LPDES Permit?

1. Operations Defined as CAFOs Prior to April 14, 2003. For operations that were defined as CAFOs under regulations that were in effect prior to April 14, 2003, the owner or operator must have or seek to obtain coverage under an LPDES permit as of April 14, 2003, and comply with all applicable LPDES requirements, including the duty to maintain permit coverage in accordance with Subsection H of this Section.

2. Operations Defined as CAFOs as of April 14, 2003, Which Were Not Defined as CAFOs Prior to That Date. For all such CAFOs, the owner or operator of the CAFO must seek to obtain coverage under an LPDES permit by a date specified by the state administrative authority, but no later than February 13, 2006.

3. Operations That Become Defined as CAFOs After April 14, 2003, but Which Are Not New Sources. For newly constructed AFOs and AFOs that make changes to their operations that result in becoming defined as CAFOs for the first time after April 14, 2003, but are not new sources, the owner or operator must seek to obtain coverage under an LPDES permit, as follows:

a. for newly constructed operations not subject to effluent limitations guidelines, 180 days prior to the time the CAFO commences operation; or

b. for other operations (e.g., resulting from an increase in the number of animals), as soon as possible, but no later than 90 days after becoming defined as a CAFO; except that

c. if an operational change that makes the operation a CAFO would not have made it a CAFO prior to April 14, 2003, the operation has until April 13, 2006, or 90 days after becoming defined as a CAFO, whichever is later.

4. New Sources. New sources must seek to obtain coverage under a permit at least 180 days prior to the time that the CAFO commences operation.

5. Operations That are Designated as CAFOs. For operations designated as a CAFO in accordance with Subsection C of this Section, the owner or operator must seek to obtain coverage under a permit no later than 90 days after receiving notice of the designation.

6. No Potential to Discharge. Notwithstanding any other provision of this Section, a CAFO that has received a "no potential to discharge" determination in accordance with Subsection F of this Section is not required to seek coverage

under an LPDES permit that would otherwise be required by this Section. If circumstances materially change at a CAFO that has received a "no potential to discharge" determination, such that the CAFO has a potential for a discharge, the CAFO has a duty to immediately notify the state administrative authority and seek coverage under an LPDES permit within 30 days after the change in circumstances.

H. Duty to Maintain Permit Coverage. No later than 180 days before the expiration of a permit, the permittee must submit an application to renew its permit, in accordance with LAC 33:IX.2331.G. However, the permittee need not continue to seek continued permit coverage or reapply for a permit if:

1. the facility has ceased operation or is no longer a CAFO; and

2. the permittee has demonstrated to the satisfaction of the state administrative authority that there is no remaining potential for a discharge of manure, litter, or associated process wastewater that was generated while the operation was a CAFO, other than agricultural storm water from land application areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:467 (March 2002), LR 29:1463 (August 2003).

#### **§2345. General Permits**

A. - B.2.a. ...

b. The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on federal lands where an operator cannot be identified may contain alternative notice of intent requirements. All notices of intent shall be signed in accordance with LAC 33:IX.2333. Notices of intent for coverage under a general permit for concentrated animal feeding operations must include the information specified in LAC 33:IX.2331.I.1, including a topographic map.

B.2.c. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003).

#### **Subchapter C. Permit Conditions**

##### **§2357. Additional Conditions Applicable to Specified Categories of LPDES Permits**

The following conditions, in addition to those set forth in LAC 33:IX.2355, apply to all LPDES permits within the categories specified below.

A. - D. ...

E. Concentrated Animal Feeding Operations (CAFOs). Any permit issued to a CAFO must include the following requirements.

1. Requirements to Develop and Implement a Nutrient Management Plan. At a minimum, a nutrient management plan must include best management practices and procedures necessary to implement applicable effluent limitations and standards. Permitted CAFOs must have their nutrient management plans developed and implemented by December 31, 2006. CAFOs that seek to obtain coverage under a permit after December 31, 2006, must have a nutrient management plan developed and implemented upon the date of permit coverage. The nutrient management plan must, to the extent applicable:

a. ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;

b. ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;

c. ensure that clean water is diverted, as appropriate, from the production area;

d. prevent direct contact of confined animals with waters of the state;

e. ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system that is not specifically designed to treat such chemicals and other contaminants;

f. identify appropriate site-specific conservation practices to be implemented, including as appropriate, buffers or equivalent practices, to control runoff of pollutants to waters of the state;

g. identify protocols for appropriate testing of manure, litter, process wastewater, and soil;

h. establish protocols to land-apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater; and

i. identify specific records that will be maintained to document the implementation and management of the minimum elements described in Subparagraphs E.1.a-h of this Section.

##### **2. Recordkeeping Requirements**

a. The permittee must create, maintain for five years, and make available to the state administrative authority, upon request, the following records:

i. all applicable records identified in accordance with Subparagraph E.1.i of this Section; and

ii. in addition, all CAFOs subject to 40 CFR Part 412 must comply with recordkeeping requirements as specified in LAC 33:IX.2533.

b. A copy of the CAFO's site-specific nutrient management plan must be maintained on-site and made available to the state administrative authority upon request.

3. Requirements Relating to Transfer of Manure or Process Wastewater to Other Persons. Prior to transferring



manure, litter, or process wastewater to other persons, Large CAFOs must provide the recipient of the manure, litter, or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of 40 CFR Part 412. Large CAFOs must retain for five years records of the date, the recipient's name and address, and the approximate amount of manure, litter, or process wastewater transferred to another person.

4. Annual Reporting Requirements for CAFOs. The permittee must submit an annual report to the state administrative authority. The annual report must include:

a. the number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);

b. the estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);

c. the estimated amount of total manure, litter, and process wastewater transferred to other persons by the CAFO in the previous 12 months (tons/gallons);

d. the total number of acres for land application covered by the nutrient management plan developed in accordance with Paragraph E.1 of this Section;

e. the total number of acres under control of the CAFO that were used for land application of manure, litter, and process wastewater in the previous 12 months;

f. a summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; and

g. a statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a Natural Resource Conservation Service (NRCS) certified nutrient management planner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), LR 29:1466 (August 2003).

#### **Subchapter N. Incorporation by Reference**

##### **§2533. 40 CFR Chapter I, Subchapter N**

A. 40 CFR, Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401 and 405-471, July 1, 2002, and amendments to Part 420 in 67 FR 58997, September 19, 2002; Part 430 in 67 FR 64260-64268, October 17, 2002; and Part 412 in 68 FR 7269, February 12, 2003, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003).

James H. Brent, Ph.D.  
Assistant Secretary

0308#009

## **RULE**

### **Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division**

#### *De Minimis* Concentration of Regulated Substances (LAC 33:XI.101)(UT010)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Underground Storage Tanks regulations, LAC 33:XI.101 (Log #UT010).

The Rule will clarify the existing regulation in a way that is consistent with the department's and the Environmental Protection Agency's long-standing interpretation and application of that regulation. The ambiguity of the term, *de minimis* concentration, has affected department enforcement actions directed at sub-standard USTs that have been in temporary closure for more than 12 months and that have not been upgraded or permanently closed according to department regulations. The basis and rationale for this Rule are to provide clarification to the UST regulations when referring to *de minimis* concentrations of a regulated substance.

This Rule meets an exception listed in R.S. 30:2019.D.(2) and R.S. 49:953.G.(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Title 33**

#### **ENVIRONMENTAL QUALITY**

#### **Part XI. Underground Storage Tanks**

#### **Chapter 1. Program Applicability and Definitions**

#### **§101. Applicability**

A. ...

B. Exclusions. The following UST systems are excluded from the requirements of these regulations. The owner or operator must provide documentation upon request for any exclusion claimed.

1. Any UST system holding hazardous wastes listed or identified in the Louisiana Department of Environmental Quality's Hazardous Waste Regulations or a mixture of such hazardous waste and other regulated substances is excluded from the requirements of these regulations.

2. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act is excluded from the requirements of these regulations.

3. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks is excluded from the requirements of these regulations.

4. Any UST system whose capacity is 110 gallons or less is excluded from the requirements of these regulations.

5. Any UST system that has never contained more than a *de minimis* concentration of regulated substances is excluded from the requirements of these regulations.

6. Any emergency spill or overflow containment UST system that is expeditiously emptied after use is excluded from the requirements of these regulations.

C. - C.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1467 (August 2003).

James H. Brent, Ph.D.  
Assistant Secretary

0309#010

## RULE

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

NRC Amendments to Radiation Protection Regulations  
(LAC 33:XV.430, 440, 441, 442, 543, 544,  
575, 577, 1739, 1755, Chapter 20)(RP032\*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.430, 440, 441, 442, 543, 544, 575, 577, 1739, 1755, 2003, 2014, 2017, 2022, 2036, 2051, & Chapter 20, Appendix B (Log #RP032\*).

This rule is identical to federal regulations found in 10 CFR 20.1701-03, 34.25, 34.43, 34.47, 34.83, 36.55, 36.81, 39.2, 39.15, 39.35, 39.41, 39.49, 39.53, 39.65, and 39.77, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule will bring state regulations into line with existing federal Nuclear Regulatory Commission rules to preserve the state's status as an agreement state. Changes include updating some calibration, inspection, processing, and replacement intervals; changing various references to a more generic term, "personnel dosimeter"; clarifying the responsible office of the department; expanding and detailing the section on Design, Performance, and Certification Criteria for Sealed Sources Used in Downhole Operations; and adding definitions, reporting and notification provisions, safety and health factors, etc. The basis and rationale for this rule are to mirror the federal regulations.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part XV. Radiation Protection

#### Chapter 4. Standards for Protection Against Radiation

##### Subchapter C. Surveys and Monitoring

##### §430. General

A. - B. ...

C. Personnel Dosimeter Processing

1. All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees and registrants to comply with LAC 33:XV.410, with other applicable provisions of these regulations, or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry processor:

a. holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

b. approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

2. Dosimetry reports received from the processor must be recorded and maintained indefinitely or until the Office of Environmental Services, Permits Division, terminates the license.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 20:653 (June 1994), LR 22:971 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1468 (August 2003).

##### Subchapter E. Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

##### §440. Use of Process or Other Engineering Controls

A. The licensee or registrant shall use, to the extent practicable, process or other engineering controls, such as containment, decontamination, or ventilation, to control the concentrations of radioactive material in air.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1468 (August 2003).

##### §441. Use of Other Controls

A. - A.4. ...

B. If the licensee or registrant performs an ALARA analysis to determine whether or not respirators should be

used, the licensee or registrant may consider safety factors other than radiological factors. The licensee or registrant should also consider the impact of respirator use on workers' industrial health and safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1468 (August 2003).

#### **§442. Use of Individual Respiratory Protection**

##### **Equipment**

A. - A.3.c. ...

d. providing atmosphere-supplying respirators with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997, and included in the regulations of the Occupational Safety and Health Administration (29 CFR 1910.134(i)(1)(ii)(A) through (E)). Grade D quality air criteria include:

i. oxygen content (v/v) of 19.5-23.5 percent;

ii. hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;

iii. carbon monoxide (CO) content of 10 ppm or less;

iv. carbon dioxide content of 1,000 ppm or less;

and

v. lack of noticeable odor;

e. fit testing, with fit factor  $\geq 10$  times the APF for negative pressure devices, and a fit factor  $\geq 500$  for any positive pressure, continuous flow, and pressure-demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed one year. Fit testing must be performed with the facepiece operating in the negative pressure mode;

f. written procedures regarding selection, fitting, issuance, maintenance, and testing of respirators, including testing for operability immediately prior to each use; supervision and training of personnel; monitoring, including air sampling and bioassays; and recordkeeping; and

g. determination by a physician prior to initial fitting of respirators, and at least every 12 months thereafter, that the individual user is physically able to use the respiratory protection equipment;

4. - 4.a. ...

b. the routine, nonroutine, and emergency use of respirators;

c. ...

d. the availability of standby rescue persons to assist all respirator users and to provide effective emergency rescue if needed; and

e. provision for the availability of standby rescue persons who:

i. are required to be present in situations whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself;

ii. must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards; and

iii. shall observe or otherwise maintain continuous communication with the workers (by visual, voice, signal line, telephone, radio, or other suitable means) and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress;

A.5. - B.1. ...

2. the licensee or registrant shall obtain authorization from the Office of Environmental Services, Permits Division, before assigning respiratory protection factors in excess of those specified in Appendix A. The department may authorize a licensee or registrant to use higher protection factors on receipt of an application that:

B.2.a. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:972 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2577 (November 2000), LR 29:1469 (August 2003).

#### **Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations**

##### **Subchapter A. Equipment Control**

#### **§543. Radiation Survey Instruments**

A. ...

B. Each radiation survey instrument shall be calibrated:

1. at energies appropriate for use and at intervals not to exceed six months and after each instrument servicing;

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2581 (November 2000), LR 27:1233 (August 2001), LR 29:1469 (August 2003).

#### **§544. Leak Testing, Repair, Tagging, Opening, Modification, Replacement, and Records of Receipt and Transfer of Sealed Sources**

A. ...

B. Each sealed source, except an energy compensation source (ECS), shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001), LR 29:1469 (August 2003).

## **Subchapter B. Personal Radiation Safety Requirements for Radiographers**

### **§575. Training and Testing**

A. - C.2. ...

D. Each licensee or registrant shall conduct a program of internal audits, not to exceed every six months, to ensure that the Radiation Protection Regulations (LAC 33:XV), Louisiana radioactive material license conditions, and the licensee's or registrant's operating and emergency procedures are followed by each radiographer and radiographer trainee. Records of internal audits shall be maintained for review by the department for two consecutive years from the date of the audit. The internal audit program must include observation of the performance of each radiographer and radiographer trainee during actual industrial radiographic operations at intervals not to exceed six months. In those operations where a single individual serves as both radiographer and RSO, and performs all radiography operations, an internal audit program is not required.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 20:999 (September 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001), LR 28:1951 (September 2002), LR 29:34 (January 2003), LR 29:1470 (August 2003).

### **§577. Personnel Monitoring Control**

A. No licensee or registrant shall permit an individual to act as a radiographer, instructor, or radiographer trainee unless, at all times during radiographic operations, each such individual wears, on the trunk of the body, a direct-reading pocket dosimeter, an alarm ratemeter, and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor, except that for permanent radiography facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarm ratemeter is not required.

B. Pocket dosimeters shall have a range of zero to at least 2 millisieverts (200 millirems) and shall be recharged at least daily or at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters. Each personnel dosimeter must be assigned to and worn only by one individual. Pocket dosimeters, or electronic personal dosimeters, shall be checked for correct response to radiation at periods not to exceed one year. Acceptable dosimeters shall read within  $\pm 20$  percent of the true radiation exposure. Records of positive dosimeter response shall be maintained for three years by the licensee or registrant for department inspection.

C. Each personnel dosimeter shall be processed and evaluated by an accredited NVLAP processor and assigned to and worn by only one individual. Personnel dosimeters must be replaced at periods not to exceed one month. After replacement, each personnel dosimeter must be processed as soon as possible.

D. Direct reading dosimeters, such as electronic personal dosimeters or pocket dosimeters, shall be read and exposures

recorded at least daily with use at the beginning and end of each shift, and records must be maintained for three years or until the Office of Environmental Services, Permits Division, authorizes their disposition.

E. If an individual's pocket dosimeter is discharged beyond its range (i.e., goes "off-scale"), or an individual's electronic pocket dosimeter reads greater than 2 millisieverts (200 millirems) and the possibility of radiation exposure cannot be ruled out as the cause, industrial radiographic operations by that individual shall cease and the individual's personnel dosimeter shall be sent for processing immediately. The individual shall not return to work with sources of radiation until a determination of the radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be recorded and maintained indefinitely or until the Office of Environmental Services, Permits Division, authorizes their disposition.

F. Records of the pocket dosimeter readings shall be maintained for inspection by the department for three consecutive years. If the dosimeter readings were used to determine external radiation dose, the records shall be maintained indefinitely or until the Office of Environmental Services, Permits Division, authorizes their disposition.

G. If a personnel dosimeter is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of the calculated exposure and the time period for which the personnel dosimeter was lost or damaged must be recorded and maintained indefinitely or until the Office of Environmental Services, Permits Division, authorizes their disposition.

H. - H.3. ...

4. be calibrated at periods not to exceed one year for correct response to radiation: acceptable ratemeters must alarm within  $\pm 20$  percent of the true radiation dose rate. Records of calibrations shall be maintained for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001), LR 28:1951 (September 2002), LR 29:35 (January 2003), LR 29:1470 (August 2003).

## **Chapter 17. Licensing and Radiation Safety Requirements for Irradiators**

### **§1739. Personnel Monitoring**

A. Irradiator operators shall wear a personnel dosimeter while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter processor shall be accredited by the National Voluntary Laboratory Accreditation Program for high energy photons in the normal and accident dose ranges in accordance with LAC 33:XV.430.C. Each personnel dosimeter shall be assigned to and worn by only one individual. Film badges shall be processed at least monthly, and other personnel dosimeters shall be processed at least quarterly.

B. Other individuals who enter the radiation room of a panoramic irradiator shall wear a dosimeter, which may be a pocket dosimeter. For groups of visitors, only two people who enter the radiation room are required to wear dosimeters. If pocket dosimeters are used to meet the requirements of this Subsection, a check of their response to radiation shall be done at least annually. Acceptable dosimeters shall read within  $\pm 30$  percent of the true radiation dose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2118 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1470 (August 2003).

### **§1755. Records and Retention Periods**

A. - A.2. ...

3. a copy of the current operating and emergency procedures required by LAC 33:XV.1737 until superseded or the Office of Environmental Services, Permits Division, terminates the license. Records of the radiation safety officer's review and approval of changes in procedures, as required by LAC 33:XV.1737.C.3, shall be retained for three years from the date of the change;

A.4. - B. ...

1. a copy of the license, the license conditions, documents incorporated into the license by reference, and amendments thereto until superseded by new documents or until the Office of Environmental Services, Permits Division, terminates the license for documents not superseded;

2. personnel dosimeter evaluations required by LAC 33:XV.1739 until the Office of Environmental Services, Permits Division, terminates the license;

3. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2120 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2604 (November 2000), LR 29:1471 (August 2003).

## **Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies**

### **§2003. Definitions**

A. The following definitions apply to these terms as used in this Chapter.

*Energy Compensation Source (ECS)* **Ca** a small sealed source, with an activity not exceeding 3.7 MBq (100 microcuries), used within a logging tool, or other tool components, to provide a reference standard to maintain the tool's calibration when in use.

\* \* \*

*Tritium Neutron Generator Target Source* **Ca** a tritium source used within a neutron generator tube to produce neutrons for use in well-logging applications.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569

(October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1471 (August 2003).

### **§2014. Leak Testing of Sealed Sources**

A. ...

B. Method of Testing. Tests for leakage shall be performed only by persons specifically authorized to perform such tests by the Office of Environmental Services, Permits Division, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state. The test sample shall be taken from the surface of the source, source holder, or from the surface of the device in which the source is stored or mounted and on which one might expect contamination to accumulate. The test sample shall be analyzed for radioactive contamination, and the analysis shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample.

C. Interval of Testing

1. Each sealed source of radioactive material, except an energy compensation source (ECS), shall be tested at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made prior to the transfer, the sealed source shall not be put into use until tested. If, for any reason, it is suspected that a sealed source may be leaking, it shall be removed from service immediately and tested for leakage as soon as practical.

2. Each ECS that is not exempt from testing in accordance with Subsection E of this Section must be tested at intervals not to exceed three years. In the absence of a certificate from a transferor that a test has been made within the three years before the transfer, the ECS may not be used until tested.

D. Leaking or Contaminated Source. If the test reveals the presence of 0.005 microcurie (185 Bq) or more of leakage or contamination, the licensee shall immediately withdraw the source from use and shall cause it to be decontaminated, repaired, or disposed of in accordance with these regulations. The licensee shall check the equipment associated with the leaking source for radioactive contamination and, if it is contaminated, have it decontaminated or disposed of in accordance with these regulations. A report describing the equipment involved, the test results, any contamination that resulted from the leaking source, and the corrective action taken shall be filed in writing with the Office of Environmental Compliance within five days of receiving the test results or within 30 days of discovery of a leaking or contaminated source.

E. ...

1. hydrogen-3 (tritium) sources;

2. - 4. ...

5. sources of alpha- or neutron-emitting radioactive material with an activity of 10 microcuries (0.370 MBq) or less.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental

Assessment, Environmental Planning Division, LR 26:2604 (November 2000), LR 29:1471 (August 2003).

**§2017. Design, Performance, and Certification Criteria for Sealed Sources Used in Downhole Operations**

A. Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations and manufactured after October 20, 1988, shall be certified by the manufacturer, or other testing organization acceptable to the Office of Environmental Services, Permits Division, to meet the following minimum criteria:

A.1. - B. ...

C. Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations after October 20, 1988, shall be certified by the manufacturer, or other testing organization acceptable to the Office of Environmental Services, Permits Division, as meeting the sealed source performance requirements for oil well-logging as contained in the American National Standard N542, "Sealed Radioactive Sources, Classification," in effect on October 20, 1987.

D. Certification documents shall be kept and maintained for inspection by the Office of Environmental Services, Permits Division, for a period of two years after source disposal. If the source is abandoned downhole, the certification documents shall be maintained until the Office of Environmental Services, Permits Division, authorizes disposition in writing.

E. Sealed Source Used in Well-Logging Applications

1. A licensee may use a sealed source in well-logging applications if the sealed source:

- a. is doubly encapsulated;
- b. contains licensed material whose chemical and physical forms are as insoluble and nondispersible as practical; and
- c. meets the following requirements:
  - i. for a sealed source manufactured on or before July 14, 1989, the requirements of USASI N5.10-1968, "Classification of Sealed Radioactive Sources," or the requirements in Subsection C or D of this Section; or
  - ii. for a sealed source manufactured after July 14, 1989, the oil well-logging requirements of ANSI/HPS N43.6-1997, "Sealed Radioactive Sources Classification"; or
  - iii. for a sealed source manufactured after July 14, 1989, the sealed source's prototype has been tested and found to maintain its integrity after each of the following tests:

(a). Temperature. The test source must be held at -40°C for 20 minutes, 600°C for 1 hour, and then be subjected to a thermal shock test with a temperature drop from 600°C to 20°C within 15 seconds.

(b). Impact Test. A 5 kg steel hammer, 2.5 cm in diameter, must be dropped from a height of 1 m onto the test source.

(c). Vibration Test. The test source must be subjected to a vibration from 25 Hz to 500 Hz at 5 g amplitude for 30 minutes.

(d). Puncture Test. A 1 gram hammer and pin, 0.3 cm pin diameter, must be dropped from a height of 1 m onto the test source.

(e). Pressure Test. The test source must be subjected to an external pressure of  $1.695 \times 10^7$  pascals (24,600 pounds per square inch absolute).

2. The requirements in Subparagraphs E.1.a-c of this Section do not apply to sealed sources that contain licensed material in gaseous form.

3. The requirements in Subparagraphs E.1.a-c of this Section do not apply to energy compensation sources (ECSs). ECSs must be registered with the Office of Environmental Services, Permits Division.

F. Energy Compensation Source. The licensee may use an energy compensation source (ECS) that is contained within a logging tool, or other tool components, only if the ECS contains quantities of licensed material not exceeding 3.7 MBq (100 microcuries).

1. For well-logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of LAC 33:XV.2014, 2015, and 2016.

2. For well-logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of Subsections E and H of this Section and LAC 33:XV.2014, 2015, 2016, and 2051.

G. Tritium Neutron Generator Target Source

1. Use of a tritium neutron generator target source, containing quantities not exceeding 1,110 MBq (30 curies) and in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of these regulations except Subsections E and F of this Section and LAC 33:XV.2051.

2. Use of a tritium neutron generator target source, containing quantities exceeding 1,110 MBq (30 curies) or in a well without a surface casing to protect fresh water aquifers, is subject to the requirements of these regulations except Subsections E and F of this Section.

H. Use of a Sealed Source in a Well Without a Surface Casing. The licensee may use a sealed source in a well without a surface casing for protecting fresh water aquifers only if the licensee follows a procedure for reducing the probability of the source becoming lodged in the well. The procedure must be approved by the Office of Environmental Services, Permits Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2605 (November 2000), LR 29:1472 (August 2003).

**Subchapter A. Requirements for Personnel Safety**

**§2022. Personnel Monitoring**

A. No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the handling of sources of radiation unless each such individual wears a personnel dosimeter. Each personnel dosimeter shall be

assigned to and worn by only one individual. Film badges must be replaced at least monthly, and other personnel dosimeters shall be processed at least quarterly. After replacement, each personnel dosimeter must be promptly processed. The processor of a personnel dosimeter shall be accredited by the National Voluntary Laboratory Accreditation Program.

B. Personnel monitoring records shall be maintained for inspection until the Office of Environmental Services, Permits Division, authorizes disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2605 (November 2000), LR 29:1472 (August 2003).

### **Subchapter B. Precautionary Procedures in Logging and Subsurface Tracer Operations**

#### **§2036. Uranium Sinkers**

A. The licensee may use a uranium sinker bar in well-logging applications only if it is legibly impressed with the words "CAUTION—RADIOACTIVE DEPLETED URANIUM" AND "NOTIFY CIVIL AUTHORITIES [OR COMPANY NAME] IF FOUND."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:1473 (August 2003).

### **Subchapter D. Notification**

#### **§2051. Notification of Incidents, Abandonment, and Lost Sources**

A. - B.1. ...

2. notify the Office of Environmental Compliance immediately by telephone at (225)765-0160 if radioactive contamination is detected at the surface or if the source appears to be damaged and provide a follow-up written report to the office within 30 days of detection.

C. - C.3.g. ...

h. information contained on the permanent identification plaque;

i. the names of state agencies receiving a copy of this report; and

j. the immediate threat to public health and safety justification for implementing abandonment if prior Office of Environmental Compliance approval was not obtained because the licensee believed there was an immediate threat to public health and safety.

D. Whenever a sealed source containing radioactive material is abandoned downhole, the licensee shall provide a means to prevent inadvertent intrusion on the source, unless the source is not accessible to any subsequent drilling operations, and a permanent plaque (see Appendix B of this Chapter) for posting the well or well-bore. This plaque shall:

1. - 2.c. ...

d. the well name and well identification number(s) or other designation;

e. the sealed source(s) by radionuclide and quantity of activity;

f. the source depth and the depth to the top of the plug; and

g. an appropriate warning, depending on the specific circumstances of each abandonment. Appropriate warnings may include "DO NOT DRILL BELOW PLUG BACK DEPTH"; "DO NOT ENLARGE CASING"; or "DO NOT RE-ENTER THE HOLE," followed by the words, "BEFORE CONTACTING THE OFFICE OF ENVIRONMENTAL COMPLIANCE, LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY."

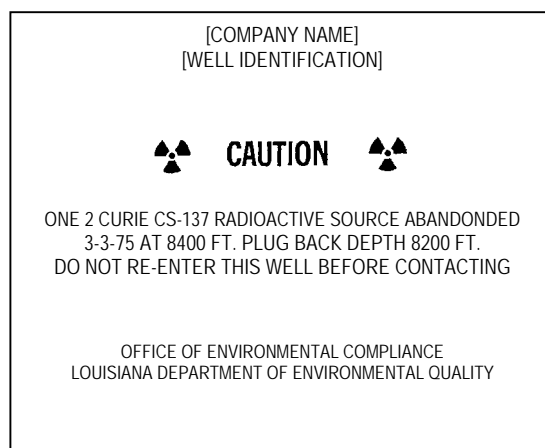
E. The licensee shall notify the Office of Environmental Compliance of the theft or loss of radioactive materials, radiation overexposure, excessive levels and concentrations of radiation or radioactive materials, and certain other accidents as required by LAC 33:XV.341, 485, 486, and 487.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 21:555 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2606 (November 2000), LR:29:1473 (August 2003).

### **Appendix B**

#### **Example of Plaque for Identifying Wells Containing Sealed Sources of Radioactive Material Abandoned Downhole**



The size of the plaque should be convenient for use on active or inactive wells, e.g., a 7-inch square that is 3 mm (1/8-inch) thick. Letter size of the word "CAUTION" should be approximately twice the letter size of the rest of the information, e.g., 1/2-inch and 1/4-inch letter sizes, respectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2606 (November 2000), LR 29:1473 (August 2003).

James H. Brent, Ph.D.  
Assistant Secretary

0308#008

## RULE

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Incorporation by Reference of  
Amendments to 40 CFR Part 63  
(LAC 33:III.5122)(AQ233\*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.5122 (Log #AQ233\*).

This Rule is identical to federal regulations found in 68 FR 32586-32603, No. 104, May 30, 2003, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the Rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule change incorporates by reference the amendments to the General Provisions for the National Emission Standards for Hazardous Air Pollutants (NESHAP) and to the Rule that establishes criteria and procedures for equivalent emission limitations - case-by-case maximum achievable control technology (MACT) adopted in accordance with the Clean Air Act, Section 112(j). EPA changed the criteria and procedures for case-by-case MACT for sources that do not have promulgated MACT rules. Provisions of this change may be operative before the department promulgates its annual incorporation by reference in 2004. This action is necessary to keep the state regulations consistent with the federal regulations. The basis and rationale for this Rule are to mirror the federal regulations.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### Title 33

#### ENVIRONMENTAL QUALITY

#### PART III. Air

#### Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

#### Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

#### §5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of*

*Federal Regulations* at 40 CFR Part 63, July 1, 2002, are hereby incorporated by reference as they apply to major sources in the state of Louisiana. Also incorporated by reference are amendments to EPA rule entitled "National Emission Standards for Hazardous Air Pollutants: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Section 112(g) and 112(j)," promulgated on May 30, 2003, in the *Federal Register*, 68 FR 32586-32603.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), LR 25:1464 (August 1999), LR 25:1798 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003).

James H. Brent, Ph.D.  
Assistant Secretary

0308#007

## RULE

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Motiva Enterprises Delisting Petition  
(LAC 33:V.Chapter 49)(HW079P)

Editor's Note: The following portion of LAC 33:V.Chapter 49.Appendix E is being reprinted to clarify existing text for the submittal information under Data Submittal, due to the department's relocation. The Rule HW079P was published in the July 20, 2003, *Louisiana Register* on pages 1084-1086.

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.Chapter 49.Appendix E (Log #HW079P).

Motiva Enterprises LLC petitioned to exclude from the hazardous waste regulations (delist) residual solids resulting from the thermal desorption recycling of oil-bearing secondary materials at the Norco Oil Recovery Facility in Norco, Louisiana. LAC 33:V.105.M allows a hazardous waste generator to petition the department for this kind of rulemaking when a listed hazardous waste does not meet any of the criteria that justified the original listing. Based on extensive testing, the department has determined that the nature of this material does not warrant retaining this material as a hazardous waste. The basis and rationale for this Rule are to grant the delisting petition based on the supporting documentation submitted by Motiva Enterprises of Norco, Louisiana.



**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality-**  
**Hazardous Waste**

**Chapter 49. Lists of Hazardous Wastes**  
**Appendix E. Wastes Excluded under LAC 33:V.105.M**

Table E1 - Wastes Excluded	
Facility	Address
DuPont Dow Elastomers LLC	LaPlace, LA
Waste Description	
* * *	
(5). Data Submittal DuPont Dow must notify the department, in writing, at least two weeks prior to initiating condition (1)(A). All data obtained to fulfill condition (1) must be submitted to the Office of Environmental Assessment within 60 days after each sampling event. Records of operating conditions and analytical data from condition (1) must be compiled, summarized, and maintained on-site for a minimum of three years. These records and data must be furnished upon request by the department and made available for inspection. Failure to submit the required data within the specified time period or failure to maintain the required records on-site for the specified time shall be considered by the department, at its discretion, sufficient basis to revoke the exclusion. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted.	
* * *	
Facility	Address
Marathon Oil Co.	Garyville, LA
Waste Description	
* * *	
(5). Data Submittal Marathon must notify the department, in writing, at least two weeks prior to initiating condition (1)(A). The data obtained during condition (1)(A) must be submitted to the Office of Environmental Assessment within the specified 90 days. Records of operating conditions and analytical data from condition (1) must be compiled, summarized, and maintained on-site for a minimum of five years. These records and data must be furnished upon request by the department and made available for inspection. Failure to submit the required data within the specified time period or failure to maintain the required records on-site for the specified time will be considered by the department, at its discretion, sufficient basis to revoke the exclusion. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted.	
* * *	
Facility	Address
Motiva Enterprises LLC	Norco, LA
Waste Description	
* * *	
(5). Data Submittal Motiva must notify the department, in writing, at least two weeks prior to initiating condition (1)(A). All data obtained to fulfill condition (1) must be submitted to the Office of Environmental Assessment within 60 days after each sampling event. Records of operating conditions and analytical data from condition (1) must be compiled, summarized, and maintained on-site for a minimum of three years. These records and data must be furnished upon request by the department and made available for inspection. Failure to submit the required data within the specified time period or failure to maintain the required records on-site for the specified time shall be considered by the department, at its discretion, sufficient basis to revoke the exclusion. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted.	
* * *	

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste

Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003).

James H. Brent, Ph.D.  
 Assistant Secretary

0308#011

**RULE**

**Office of the Governor**  
**Board of Certified Public Accountants**

Computer-Based Uniform CPA Exam  
 (LAC 46:XIX.505, 701, and 703)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and of the Louisiana Accountancy Act, R.S. 37:74, the Board of Certified Public Accountants of Louisiana has amended LAC 46:XIX.505, 701 and 703 in order to provide for the application, grading, and transitioning requirements of the computer-based Uniform CPA Examination that is anticipated to become available in 2004. The action was necessary because the authorized licensing examination in use by all states is prepared and graded by the American Institute of Certified Public Accountants, and the AICPA in cooperation with all 50 state boards of accountancy is converting the examination from a paper and pencil examination to a computerized version. No preamble has been prepared with respect to the revised Rules, which appear below.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**  
**Part XIX. Certified Public Accountants**  
**Chapter 5. Qualifications; Education and**  
**Examination**

**§505. Examination**

- A. - A.2. ...
- B. General Procedures and Qualifications

1. Application. Candidates shall file complete application forms. A complete application is one that is properly filled out, accompanied by payment of the required fees and, if an initial application, accompanied by all required official transcripts. First time or transfer of grades candidates who have not taken their accounting courses in Louisiana must include a copy of the course description(s) of all accounting courses not clearly identified by titles listed in §503.A.

a. Prior to implementation of a computer-based examination, paper and pencil examinations are ordinarily held in May and November of each year. Applications for the May examination are due in the office of the board's agent no later than 5 p.m., March 1. Applications for the November examination are due in the office of the board's agent no later than 5 p.m., September 1. If the last day for filing falls on a Saturday, Sunday or state of Louisiana holiday, the due date will be extended to include the next state of Louisiana working day.

b. Effective with the implementation of a computer-based examination, applications shall be due as specified by the board in the application form or instructions. The board or its designee will forward notification of eligibility for the computer-based examination to the National Association of State Boards of Accountancy (NASBA) National Candidate Database. Eligible candidates shall be notified of the time and place of the examination or shall be sent a notice to independently contact a test center provider identified by the board to schedule examination at a board-approved test site. Scheduling reexaminations must be made in accordance with Paragraph F.2 below. The board may set authorization periods in which eligible candidates may schedule examination or reexaminations. A candidate's failure to schedule in an authorization period shall result in forfeiture of examination fees.

2. - 2.a.ii. ...

3. Fee Refund. A candidate who fails to appear for the examination, or fails to schedule or reschedule an examination in the period required, shall forfeit examination fees subject to board policy. For the paper and pencil examination, if after filing his application, a candidate is unable to sit for the CPA examination, he must so notify the agent of the board not later than seven working days prior to the first day of the examination in order to receive a refund; otherwise, the fee shall be forfeited. For the computer-based examination, rescheduling of appointments may be available depending on the amount of notice that is provided. A service charge will be assessed on all refunds of examination fees.

C. ...

D. Board Responsibilities

1. Grade Decision. Each candidate shall be notified in the manner and on the date determined by the board, of the grades earned in each section of the examination. No information concerning grades will be released until such date. The board shall not be required to furnish the reason for any grades which it shall grant or for any decision which it may reach with respect to the examination process.

2. ...

E. Determining and Reporting Examination Grades

1. Applicants shall each be given identifying ID numbers which shall be used on examinations for identification purposes.

2. A candidate shall be required to pass all test sections of the examination in order to be eligible to apply for certification. Upon receipt of advisory grades from the examination provider, the board will review and may adopt the examination grades and will report the official results to the candidate. Prior to the implementation of a computer-based examination, a passing grade for each test section shall be 75. Effective with the implementation of a computer-based examination, the candidate must attain the uniform passing grade established through a psychometrically acceptable standard-setting procedure and approved by the board.

F. Retake and Granting of Credit Requirements

1. Prior to implementation of a computer-based examination, on the paper and pencil examination a candidate must sit for all the test sections on which no conditional credit exists in order to receive grades and to be able to sit for the next examination. In order to pass the

examination a candidate must receive a grade of at least 75 in each section. The following Rule shall apply for conditional credit.

a. If a grade of 50 or more is made in each section, a candidate who passes at least two sections at a single examination shall receive credit for the sections passed, conditioned upon his passing the remaining section or sections as set forth in §505.F.1.b.

b. A candidate who has received credit for passing at least two sections of the examination, as set forth in §505.F.1.a, shall be required to remove the condition in any of the next six consecutive examinations but shall receive no credit for passing a section or sections at any examination in which he makes a grade of less than 50 in any other section.

2. Effective with the implementation of a computer-based examination, a candidate may take the required test sections individually and in any order. Credit for any test section(s) passed shall be valid for a rolling qualifying period as measured from the actual date the candidate took that test section, without having to attain a minimum score on any failed test section(s) and without regard to whether the candidate has taken other test sections. The qualifying period shall be determined by the board and shall be comprised of no less than eighteen months.

a. Candidates must pass all four test sections of the examination within a single rolling qualifying period, which begins on the date that a given test section(s) passed is taken.

b. Candidates shall not retake a failed test section(s) in the same examination "window." An examination window refers to a three-month period comprised initially of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the test item bank is refreshed. Thus, candidates will be able to test two out of the three months within an examination window.

c. In the event all four test sections of the examination are not passed within a given rolling qualifying period, credit for any test section(s) passed outside that qualifying period will expire and that test section(s) must be retaken.

3. Effective with the implementation of the computer-based examination, candidates having earned conditional credits on sections of the paper-and-pencil examination shall retain conditional credits for corresponding test sections during a transition period, as follows.

Paper and Pencil Exam	Computer-Based Exam
Auditing	Auditing and Attestation
Financial Accounting and Reporting	Financial Accounting and Reporting
Accounting and Reporting	Regulation
Business Law and Professional Responsibilities	Business Environment and Concepts

a. Such candidates with conditional credits will be allowed a transition period to complete any remaining test sections. The transition shall not exceed a candidate's completion of the same number of test opportunities under the computer-based exam that the candidate had remaining to take under the paper and pencil exam, or the number of the remaining opportunities under the paper and pencil examination, multiplied by six months, whichever is first exhausted.

b. If such candidate does not pass all remaining test sections during the transition period, conditional credits earned under the paper-and-pencil examination will expire and the candidate will lose credit for the test sections earned under the paper and pencil examination. However, any test section(s) passed during the transition period is subject to the conditioning provisions of the computer-based examination, except that a previously conditioned candidate will not lose conditional credit for a test section of the computer-based examination that is passed during the transition period, even though more than eighteen months may have elapsed from the date the test section is passed, until the end of the transition period.

4. The board may in particular cases extend the term of conditional credit validity notwithstanding the requirements of Paragraphs 1, 2, and 3, upon a showing that the credit was lost by reason of circumstances beyond the candidate's control.

5. A candidate shall be deemed to have passed the examination once the candidate holds at the same time valid credit for passing each of the four test sections of the examination. For purposes of this section, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually receives notice of the passing grade.

6. Transfer of Grades. Grades shall be accepted from other states when a candidate for transfer of grades has met all the requirements of Louisiana candidates except that he sat for the examination as a candidate for another state.

a. Applicant must have completed the education requirements of §503 prior to sitting for the examination. An exception to this Rule will be allowed for a bona fide resident of another state who took the exam in his state of residency which did not have the 150 hour requirement. Such applicants may complete their education requirements after sitting for the exam.

b. Applicant shall submit a completed initial application with an official transcript from an accredited college or university and a statement from an officer of the state board from which he is transferring as to dates of passing the examination and grades made.

c. An applicant for transfer of grades who has conditioned in another state must meet this board's conditional credit Rules to retain conditional credit and to remove the condition.

d. In addition to meeting the requirements for a transfer of grades, the applicant shall be required to pay a transfer fee at the time he requests the transfer.

#### G. Cheating

1. Cheating or other misconduct by an applicant, or by others on an applicant's behalf, before, during, after or in applying for the examination, will invalidate any grade otherwise earned by a candidate on any part of the examination and any certificate that may have been issued based in part upon such grade, and may warrant summary expulsion from the test site and disqualification from taking the examination for a time period as prescribed by the board.

2. For purposes of this Rule, the following actions or attempted activities, among others, may be considered cheating or misconduct:

a. falsifying, misrepresenting, or omitting examination grades, educational credentials or other information, including but not limited to identification, required for admission to the examination;

b. communication between candidates inside or outside the test site or copying another candidate's answers while the examination is in progress;

c. communication with others inside or outside the test site while the examination is in progress;

d. substitution of another person to sit in the test site in the place of a candidate; or

e. reference to or possession of crib sheets, textbooks or other material, or electronic media (other than that provided to the candidate as part of the examination) inside or outside the test site while the examination is in progress;

f. violation of the security measures or candidate conduct standards at test sites, or the nondisclosure prohibitions of the examination, or aiding or abetting another in doing so;

g. retaking or attempting to retake a test section by an individual holding valid passing grades or a certificate, or by a candidate who has unexpired conditional credit for having already passed the same test section, unless the individual has been directed to retake a test section pursuant to board order or unless the individual has been expressly authorized by the board to participate in a "secret shopper" program.

3. In any case where it appears to the board, its representatives or its designee, while the examination is in progress, that cheating or misconduct has occurred or is occurring, the board, its representatives or its designee may either summarily expel the candidate involved from the examination, move the candidate to a position in the test site away from other examinees where the candidates can be watched more closely, or take other appropriate actions.

4. Any person who receives from or discloses to another person any of the contents of a CPA examination which is classified as a nondisclosed examination shall be subject to disciplinary action by the board.

5. In any case where probable cause has been determined that a candidate has cheated or engaged in misconduct on an examination, or where a candidate has been expelled from an examination, the board shall comply with the provisions of R.S. 37:81 to determine the facts, and penalty, if any. The penalty shall be in the sole discretion of the board.

6. Effective with the implementation of a computer-based examination, the board or its designee shall notify the NASBA National Candidate Database, the AICPA, and/or the test site provider of the circumstances, so that the candidate may be more closely monitored in future examinations, if applicable.

7. In any case in which a candidate is refused credit for any test section of an examination taken, disqualified from taking any test section, or barred from taking the examination in the future, the board will provide to the NASBA National Candidate Database and the board of accountancy of any other state to which the candidate may apply for the examination information as to the board's findings and actions taken.

H. Security and Irregularities. Notwithstanding any other provisions under these Rules, the board may postpone scheduled examinations, the release of grades, or the issuance of certificates due to a breach of examination security; unauthorized acquisition or disclosure of the contents of an examination; suspected or actual negligence, errors, omissions, or irregularities in conducting an examination; or for any other reasonable cause or unforeseen circumstance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71, et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:6 (January 1980), amended LR 9:208 (April 1983), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1068 (November 1991), LR 23:1119 (September 1997), LR 26:1970 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 29:1475 (August 2003).

#### **Chapter 7. Qualifications; Application for CPA Examination**

##### **§701. Application Forms**

A. Application for examination and/or certification as a certified public accountant shall be made on the appropriate forms provided or approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71, et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), LR 26:1971 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 29:1478 (August 2003).

##### **§703. Examination Application**

A. - C. ...

D. An application will not be considered filed until all required fees and all required supporting documents have been received by the board or its designee, including proof of identity as determined by the board and specified on the application form, official transcripts and proof that the candidate has satisfied the education and other requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71, et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1122 (September 1997), LR 26:1971 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 29:1478 (August 2003).

Michael A. Henderson  
Executive Director

0308#029

#### **RULE**

#### **Department of Health and Hospitals Board of Veterinary Medicine**

#### **Continuing Veterinary Education (LAC 46:LXXXV.405, 503, 714, and 1201)**

The Louisiana Board of Veterinary Medicine has amended and adopted LAC 46:LXXXV.405, 503, 714 and 1201 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana

Veterinary Practice Act, R.S. 37:1511 et seq. This text has been amended and adopted to clarify retirement and related provisions, the veterinary student extern, and the minimum age requirements for application for Certified Animal Euthanasia Technicians. The Rule amendments have no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The amendments to the Rules are set forth below.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LXXXV. Veterinarians**

#### **Chapter 4. Continuing Veterinary Education**

##### **§405. Exceptions and Exemptions**

A. - B. ...

C. Exemptions from these requirements may be made for persons in the following categories:

1. ...

2. A licensee who submits a notarized affidavit of retirement as provided by the board for this purpose is entitled to a waiver of continuing education if he has reached the age of 65 years, or submits an affidavit of incapacity and physician's statement of permanent and total disability without probability of return to practice.

a. Once an affidavit of retirement is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant demonstrates that he has successfully obtained all continuing education hours for the past years at issue, as well as the current year.

b. A request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement.

c. Once an affidavit of retirement is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations.

d. A request for reinstatement shall be made in writing for review and consideration by the board.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 29:1478 (August 2003).

#### **Chapter 5. Fees**

##### **§503. Exemption of Fee**

A. - A.2 ...

B. In each of the above cases, the veterinarian who qualified for fee exemption must register with the board annually and provide proof of his eligibility for fee exemption in affidavit form approved by the board.

C. A licensee who submits a notarized affidavit of retirement as provided by the board for this purpose is entitled to a waiver of fee if he has reached the age of 65 years, or submits an affidavit of incapacity and physician's statement of permanent and total disability without probability of return to practice.

1. Once an affidavit of retirement is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant submits with his request the payment of all back fees, as well as current fees for application.

2. A request for reinstatement within five years of the date an affidavit of retirement is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement.

3. Once an affidavit of retirement is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations.

4. A request for reinstatement shall be made in writing for review and consideration by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 and 1520.A.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 10:208 (March 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:963 (August 1997), LR 29:1478 (August 2003).

#### **Chapter 7. Veterinary Practice §714. Student Extern**

A. A student extern is a person who is a regular student in an accredited veterinary school who is performing duties or actions assigned by his instructors or as part of his curriculum, or who is working during a regular school vacation, either of which must be under the direct supervision of a veterinarian licensed by the board as defined in this Rule.

B. Direct supervision as applied to a student extern shall mean continuous, visual supervision by a veterinarian licensed by the board of the duties, actions or work performed by the student extern.

C. The level of responsibility assigned to a student extern is at the discretion of the supervising veterinarian who shall be ultimately responsible for the duties, actions or work performed by such person.

D. Prior to commencement of a student externship, the supervising veterinarian must first notify the board of such on board-approved forms.

E. A student extern shall not be permitted to perform direct supervision, as defined in Rules 700 and 702, of the tasks or procedures performed by other personnel of the veterinary practice at issue.

F. The duties, actions or work performed by a student extern shall not be considered a component of, nor applied to, the requirements regarding the preceptorship program established by the board. The period of time necessary to satisfactorily complete a preceptorship program shall not run concurrently with the period of time a student extern performs or works as such.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 29:1479 (August 2003).

#### **Chapter 12. Certified Animal Euthanasia Technicians §1201. Applications for Certificate of Approval**

A. Pursuant to R.S. 37:1553, applicants shall submit the following items to the board:

1. - 2. ...

3. an official copy of a birth certificate or a notarized copy of a current driver's license as proof of attaining the age of 18 years in order to commence the application process, attend the required training course, sit for the certification examination and receive certification as a CAET or Lead CAET;

A.4. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 23:963 (August 1997), LR 26:317 (February 2000), LR 29:1479 (August 2003).

Wendy D. Parrish  
Administrative Director

0308#052

#### **RULE**

#### **Department of Health and Hospitals Board of Wholesale Drug Distributors**

#### **License Procedure**

(LAC 46:XCI.103, 301, 303, 309, 311, 313, and 503)

The Louisiana Board of Wholesale Drug Distributors has amended LAC 46:XCI.103, 301, 303, 309, 311, 313, and 503 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 37:3467 et seq. of the Louisiana Board of Wholesale Drug Distributors revised statutes. These Rule amendments help to define the requirements for wholesale distribution and will assist the board in its ability to license, inspect wholesale drug distribution facilities in the state of Louisiana, and regulate licensees in the promotion of the public welfare. The Rule amendments have no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The amendments to the Rule are set forth below.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATION STANDARDS**

#### **Part XCI. Wholesale Drug Distributors**

#### **Chapter 1. General Provisions**

#### **§103. Definitions**

A. As used in this regulation, unless the context otherwise requires:

\*\*\*

#### **Legend Drug**

a. - a.iii. ...

b. The product label of a legend drug is required to contain the statement "Rx Only" or "CAUTION: FEDERAL LAW PROHIBITS DISPENSING WITHOUT A PRESCRIPTION."

c. ...

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:381 (April 1992), amended LR 29:1479 (August 2003).

### **Chapter 3. Wholesale Distributors**

#### **§301. Licensing Requirements**

A. - B.3. ...

4. All licenses being reinstated must pay a reinstatement fee of \$200 plus the renewal fee of \$200.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 29:1480 (August 2003).

#### **§303. Required Information**

A. - C. ...

D. Licenses are not transferable for change of location of the facility licensed or change of ownership. A new license application and required license fee must be submitted for location changes or change of ownership of a currently licensed facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 29:1480 (August 2003).

#### **§309. Storage and Handling Requirements**

A. The following are required for the storage and handling of prescription drugs, and for the establishment and maintenance of prescription drug distribution records by wholesale drug distributors and their officers, agents, representatives, and employees.

1. - 2.a.iii. ...

b. All facilities, with the exception of those facilities distributing medical gases only, shall be equipped with a monitored alarm system to detect entry after hours.

c. Medical gas distributors shall store medical gases under lock and key if all medical gases are stored inside a board-approved storage facility that is not equipped with a monitored alarm system to detect entry after hours.

d. Medical gas distributors that store medical gases on an open dock shall be equipped with a monitored alarm system to detect entry after hours.

e. All facilities shall be equipped with a security system that will provide suitable protection against theft and diversion and provide protection against theft or diversion that is facilitated or hidden by tampering with computers and electronic records.

3. ...

a. If no storage requirements are established for a prescription drug, the drug may be held at room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

b. Appropriate manual, electromechanical, or electronic temperature recording equipment, devices, and logs shall be utilized to document proper storage of prescription drugs.

3.c. - 5.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 29:1480 (August 2003).

#### **§311. Drug Distribution Recordkeeping**

A. Wholesale drug distributors shall establish and maintain perpetual inventories and records of all transactions regarding the receipt and distribution or other disposition of prescription drugs. These records shall include the following information:

1. - 3. ...

B. Inventories and records shall be made available for inspection and photocopying by any official authorized by the Louisiana Board of Wholesale Drug Distributors for a period of three years following disposition of the drugs.

C. ...

D. Copies of licenses for customers who are authorized by law or regulation to procure or possess federal legend drugs shall be maintained for all customers that are shipped or sold federal legend drugs. If customer licenses are maintained off site, a list of customer names, addresses, license numbers, and license expiration dates shall be maintained for all customers that are shipped or sold federal legend drugs.

E. Medical gas distributors are not required to maintain a perpetual inventory on oxygen, but are required to maintain perpetual inventories on all other medical gases.

F. Wholesales domiciled in Louisiana must verify that their suppliers of legend drugs are licensed by the Louisiana Board of Wholesale Drug Distributors to ship or sell in or into Louisiana; and are responsible for notifying the board of any unlicensed wholesalers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:383 (April 1992), amended LR 29:1480 (August 2003).

#### **§313. Policy and Procedures**

A. Wholesale drug distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. Wholesale drug distributors shall include in their written policies and procedures the following.

1. - 3. ...

4. A procedure to ensure that any outdated prescription drugs shall be segregated from other drugs and either returned to the manufacturer or destroyed. This procedure shall provide for written documentation of the disposition of outdated prescription drugs. This documentation shall be maintained for three years after disposition of the outdated drugs.

5. A procedure to validate customer licenses, to review excessive or suspicious purchases, to inspect all incoming and outgoing shipments, and to monitor and record the temperature of product storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:384 (April 1992), amended LR 29:1480 (August 2003).

**Chapter 5. Powers and Functions of the Board**

**§503. Board Domicile; Meetings**

A. The board shall be domiciled in Baton Rouge, Louisiana. The regular meetings of the board shall be held at least two times a year in accordance with applicable law and at any other time the board deems necessary, at a time and place designed by the chairman. Special meetings may be called by the chairman upon giving at least 72 hours notice, sent by registered or certified mail to the post office address of each member of the board and to any persons who have previously indicated that they have business before the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:385 (April 1992), amended LR 29:1481 (August 2003).

John Liggio  
Executive Director

0308#016

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Community Supports and Services**

Targeted Case Management Services  
Nurse Family Partnership Program

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services has promulgated the following Rule as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule has been promulgated in accordance with the Administrative Procedure Act R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services has amended the December 21, 2000 Rule governing nurse home visit services to include eligible first time mothers who reside in the Department of Health and Hospitals administrative regions of Baton Rouge (Region 2), Alexandria (Region 6), and Shreveport (Region 7).

In addition, the name of the program is being changed to the Nurse-Family Partnership Program.

David W. Hood  
Secretary

0308#091

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Augmentative and Alternative Communications  
(LAC 50:XVII.Chapter 11)

Chapter 11, Augmentative and Alternative Communications, has been compiled and codified. The following table shows the Rules used to compose each Section.

Section	Historical Reference
1101	LR 22:370 (May 1996), LR 22:583 (July 1996), LR 26:1625 (August 2000).
1109	LR 22:370 (May 1996), LR 22:583 (July 1996), LR 26:1625 (August 2000).
1121	LR 22:370 (May 1996), LR 22:583 (July 1996), LR 26:1625 (August 2000), LR 27:855 (June 2001).
1123	LR 22:370 (May 1996), LR 22:583 (July 1996), LR 26:1625 (August 2000)
1133	LR 22:370 (May 1996), LR 22:583 (July 1996), LR 26:1625 (August 2000), LR 27:855 (June 2001).
1143	LR 22:370 (May 1996), LR 22:583 (July 1996), LR 26:1625 (August 2000), LR 27:855 (June 2001).
1145	LR 22:370 (May 1996), LR 22:583 (July 1996), LR 26:1625 (August 2000), LR 26:855 (June 2001).

**Title 50**

**PUBLIC HEALTH MEDICAL ASSISTANCE**

**Part XVII. Durable Medical Equipment**

**Subpart 1. Prosthetics**

**Chapter 11. Augmentative and Alternative Communications (AAC) Devices**

**Subchapter A. General Provisions**

**§1101. Definitions**

*Augmentative and Alternative Communications (AAC) Devices* Electronic or non-electronic aids, devices, or systems that assist a Medicaid recipient to overcome or ameliorate (reduce to the maximum degree possible) the communication limitations that preclude or interfere with meaningful participation in current and projected medically necessary daily activities. Examples of AAC devices include:

1. communication boards or books, speech amplifiers, and electronic devices that produce speech and/or written output;
2. devices that are constructed for use as communication devices as well as systems that may include a computer, when the primary use of the computer serves as the recipient's communication device; and
3. related components and accessories, including software programs, symbol sets, overlays, mounting devices, switches, cables and connectors, auditory, visual, and tactile output devices, printers, and necessary supplies, such as rechargeable batteries.

*Meaningful Participation* Effective and efficient communication of messages in any form the recipient chooses.

*Speech-Language Pathologist* Can individual who has:

1. been licensed by the Louisiana Board of Examiners for Speech Pathologists and Audiologists;
2. a certificate of clinical competence in speech language pathology from the American Speech-Language-Hearing Association;
3. completed the equivalent educational requirements and work experience necessary for the certificate; or
4. completed the academic program and is acquiring supervised work experience to qualify for the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1481 (August 2003).

## **Subchapter B. Recipient Eligibility**

### **§1109. Medical Necessity**

A. Consideration shall be given for Medicaid reimbursement for AAC devices for Medicaid recipients if the device is considered medically necessary, the recipient has the ability to physically and mentally use a device and its accessories, and if the following criteria are met.

1. Medical Necessity Determinations. The following medically necessary conditions shall be established for recipients who/whose:

a. have a diagnosis of a significant expressive or receptive (language comprehension) communication impairment or disability;

b. impairment or disability either temporarily or permanently causes communication limitations that preclude or interfere with the recipient's meaningful participation in current and projected daily activities; and

c. had a speech-language pathologist (and other health professional, as appropriate):

i. perform an assessment and submit a report pursuant to the criteria set forth in §1121 Assessment/Evaluation; and

ii. recommend speech-language pathology treatment in the form of AAC devices and services; and

iii. document the mental and physical ability of a recipient to use, or learn to use, a recommended AAC device and accessories for effective and efficient communication; and

iv. prepare a speech-language pathology treatment plan that describes the specific components of the AAC devices and the required amount, duration, and scope of the AAC services that will overcome or ameliorate communication limitations that preclude or interfere with the recipient's meaningful participation in current and projected daily activities; and

d. requested AAC devices constitute the least costly, equally effective form of treatment that will overcome or ameliorate communication limitations that preclude or interfere with the recipient's meaningful participation in current and projected daily activities.

2. The following are additional general principles relating to medical necessity determinations for AAC devices:

a. no cognitive, language, literacy, prior treatment, or other similar prerequisites must be satisfied by a recipient in advance of a request for AAC devices;

b. the unavailability of an AAC device, component, or accessory for rental will not serve as the basis for denying a prior approval request for that device, component, or accessory;

c. the cause of the recipient's impairment or disability (e.g., congenital, developmental, or acquired), or the recipient's age at the onset of the impairment or disability, are irrelevant considerations in the determination of medical need;

d. recipient participation in other services or programs (e.g., school, early intervention services, adult services programs, employment) is irrelevant to medical necessity determination for AAC devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1482 (August 2003).

## **Subchapter C. Provider Responsibilities**

### **§1121. Assessment/Evaluation**

A. An assessment, or evaluation, of the individual's functioning and communication limitations that preclude or interfere with meaningful participation in current and projected daily activities must be completed by a speech-language pathologist with input from other health professionals, (e.g., occupational therapists and rehabilitation engineers) based on the recommendation of the speech language pathologist and a physician's prescription, as appropriate.

1. Medicaid provides reimbursement for AAC assessments/evaluations.

B. Requests for AAC devices must include a description of the speech-language pathologist's qualifications, including a description of the speech-language pathologist's AAC services training and experience.

C. An assessment (augmentative and alternative communication evaluation) must include the following information about the recipient.

1. Identifying information:

a. name;

b. Medicaid identification number;

c. date of the assessment;

d. medical and neurological; diagnoses (primary, secondary, tertiary);

e. significant medical history;

f. mental or cognitive status; and

g. educational level and goals.

2. Sensory status:

a. vision and hearing screening (no more than one year prior to AAC evaluation);

b. if vision screening is failed, a complete vision evaluation;

c. if hearing screening is failed, a complete hearing evaluation;

d. description of how vision, hearing, tactile, and/or receptive communication impairments or disabilities affect expressive communication.

3. Postural, mobility, and motor status:

a. gross motor assessment;

b. fine motor assessment;

c. optimal positioning;

d. integration of mobility with AAC devices;

e. recipient's access methods (and options) for AAC devices;

4. Current speech, language, and expressive communication status:

a. identification and description of the recipient's expressive or receptive (language comprehension) communication impairment diagnosis;

b. speech skills and prognosis;

c. language skills and prognosis;

d. communication behaviors and interaction skills (i.e., styles and patterns);

e. functional communication assessment, including ecological inventory;

f. indication of past treatment, if any;



g. description of current communication strategies, including use of an AAC device, if any.

Note: If an AAC device is currently used, describe the device, when and by whom it was previously purchased, and why it is no longer adequate to meet the recipient's communication needs.

5. Communication needs inventory:

- a. description of recipient's current and projected communication needs;
- b. communication partners and tasks including partners' communication abilities limitations, if any; and
- c. communication environments and constraints which affect AAC device selection and/or features (e.g., verbal and/or visual output and/or feedback; distance communication needs).

6. Summary of Communication Limitations. Description of the communication limitations that preclude or interfere with meaningful participation in current and projected daily activities (i.e., why the recipient's current communication skills and behaviors prevent meaningful participation in the recipient's current and projected daily activities).

7. AAC devices assessment components:

- a. vocabulary requirements;
- b. representational system(s);
- c. display organization and features;
- d. rate enhancement techniques;
- e. message characteristics, speech synthesis, printed output, display characteristics, feedback, auditory and visual output;
- f. access techniques and strategies; and
- g. portability and durability concerns, if any.

8. Identification of AAC devices considered for recipients:

- a. identification of the significant characteristics and features of the AAC devices considered for the recipient; and
- b. identification of the cost of the AAC devices considered for the recipient (including all required components, accessories, peripherals, and supplies, as appropriate).

9. AAC device recommendation:

- a. identification of the requested AAC devices including all required components, accessories, software, peripheral devices, supplies, and the device vendor;
- b. identification of the recipient's and communication partner's AAC devices preference, if any;
- c. assessment of the recipient's ability (physically and mentally) to use, or to learn to use, the recommended AAC device and accessories for effective and efficient communication;
- d. justification stating why the recommended AAC device (including description of the significant characteristics, features, and accessories) is better able to overcome or ameliorate the communication limitations that preclude or interfere with the recipient's meaningful participation in current and projected daily activities, as compared to the other AAC devices considered;
- e. justification stating why the recommended AAC device (including description of the significant characteristics, features, and accessories) is the least costly, equally effective, alternative form of treatment to overcome or ameliorate the communication limitations that preclude or

interfere with the recipient's meaningful participation in current and projected daily activities.

10. Treatment plan and follow-up:

- a. description of short term communication goals (e.g., six months);
- b. description of long term communication goals (e.g., one year);
- c. assessment criteria to measure recipient's progress toward achieving short and long term communication goals;
- d. description of amount, duration, and scope of AAC services required for the recipient to achieve short and long term communication goals; and
- e. identification and experience of AAC service provider responsible for training. These service providers may include, e.g.:
  - i. speech-language pathologists;
  - ii. occupational therapists;
  - iii. rehabilitation engineers;
  - iv. the recipient's parents, teachers; and
  - v. other service providers).

11. Summary of alternative funding source for AAC device:

- a. description of availability or lack of availability, of purchase of AAC device through other funding sources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1482 (August 2003).

**§1123. Trial Use Periods**

A. In instances where the appropriateness of a specific AAC device is not clear, a trial use period for an AAC device may be recommended (although it is not required) by the speech-language pathologist who conducts the AAC evaluation.

B. Prior authorization for rental of AAC devices shall be approved for trial use periods when the speech-language pathologist prepares a request consistent with the established requirements. The reasons for a trial use period request include, but are not limited to:

1. the characteristics of the recipient's communication limitations;
2. lack of familiarity with a specific AAC device; and
3. whether there are sufficient AAC services to support the recipient's use of the AAC device, or other factors.

C. If the speech-language pathologist recommends a trial use period, the pathologist must prepare a request that includes the following information:

1. the duration of the trial period;
2. the speech-language pathologist information and the recipient information as required in §1121, Assessment/Evaluation;
3. the AAC device to be examined during the trial period, including all the necessary components (e.g., mounting device, software, switches, or access control mechanism);
4. the identification of the AAC service provider(s) who will assist the recipient during the trial period;
5. the identification of the AAC services provider(s) who will assess the trial period; and

6. the evaluation criteria, specific to the recipient, that will be used to determine the success or failure of the trial period.

D. Trial use period requests must request Medicaid funding for the rental of all necessary components and accessories of the AAC device. If an accessory necessary for the trial use of a device by a recipient is not available for rental, but the communication device is available for rental for trial use, Medicaid may consider the purchase of the accessory for the trial use of the communication device by that recipient.

E. Trial periods may be extended and/or different AAC devices provided, when requested by the speech-language pathologist responsible for evaluating the trial use period.

F. Results of trial use periods must be included with any subsequent request for prior authorization of purchase of the AAC device. Recommendations for the purchase of an AAC device, as a result of a trial use period of the device, must clearly indicate the patient's ability to use the device during the trial period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1483 (August 2003).

#### **Subchapter D. Prior Authorization**

##### **§1133. Prior Authorization Request**

A. All requests for AAC devices and accessories must be prior authorized by Medicaid in accordance with the criteria described in this Chapter 11.

B. Medicaid will not consider purchase of an AAC device when an alternative means of funding through another agency or other source (e.g., Louisiana Rehabilitation Services, school systems, private insurance, etc.) is available for the recipient. All requests should indicate the availability, or lack of availability, of purchase through other funding sources.

NOTE: AAC devices may be covered through the Durable Medical Equipment (DME) Program with prior authorization for Medicaid recipients residing in nursing homes (ICF I, II and SNF).

C. When the medical necessity can not be determined for an AAC device pursuant to the criteria stated above and to the information submitted in support of a prior authorization request, the following steps shall be taken.

1. If Medicaid determines that any essential information in establishing medical necessity for the AAC device is incomplete, or has been omitted in the prior authorization request as required in §1121, Assessment/Evaluation, Medicaid will make direct contact with the speech-language pathologist who conducted the assessment for the recipient. Medicaid will then identify the specific, additional information that is needed and request that the additional information be submitted; and/or

2. if Medicaid determines that an additional interpretation of information in the prior authorization request is needed by the medical reviewer in establishing medical necessity for an AAC device, Medicaid will seek the advice of speech language pathologist(s) with extensive AAC experience recommended to Medicaid by the

American Speech Language and Hearing Association (ASHA), the United States Society for Augmentative and Alternative Communication (USSAAC), and/or the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA), who shall provide the required interpretation.

a. Only one request for additional information by direct contact with the speech/language pathologist and/or only one interpretation will be made per prior authorization request.

b. If additional information requested by Medicaid from the speech/language pathologist who conducted the assessment, or if an additional interpretation requested from a consulting speech-language pathologist, is not received by Medicaid within the 25-day time frame required of Medicaid for a prior authorization determination, a decision will be made by the medical reviewer for Medicaid based on the information that has been submitted with the prior authorization request and on the reviewer's interpretation of that information. If the additional information or additional interpretation is provided at a later time, another request must be submitted by the provider to the Prior Authorization Unit for additional review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1484 (August 2003).

#### **Subchapter E. Repairs and Replacement**

##### **§1143. Repairs**

A. Medicaid will cover repairs to keep AAC devices, accessories, and other system components in working condition. Medicaid coverage for repairs will include the cost of parts, labor, and shipping, when not otherwise available without charge pursuant to a manufacturer's warranty.

1. Providers of AAC devices are expected to comply with the Louisiana New Assistive Devices Warranty Act.

a. One of the provisions of this law is that all persons who make, sell, or lease assistive devices, including AAC devices, must provide those who buy or lease the equipment with a warranty which lasts at least one year from the time the equipment is delivered to the customer.

b. If, during the warranty period, the equipment does not work, the manufacturer or dealer must make an attempt to repair the equipment.

2. Medicaid additionally requires providers to provide the recipient with a comparable, alternate AAC device while repairing the recipient's device during a warranty period.

3. Medicaid coverage may be provided for rental of an alternate AAC device during a repair period after expiration of the warranty.

4. Medicaid will not cover repairs, or rental of a loaner device, when repairs are made during a warranty period.

B. When a device is received by the provider for the purpose of repair, the provider will conduct an assessment of the device to determine whether it can be repaired, and if so, prepare a written estimate of the parts, labor, and total cost

of the repair, as well as the effectiveness (i.e., estimated durability) of the repair. If the manufacturer or provider concludes that the device is not repairable and a replacement device is needed, written notice will be provided to the recipient.

C. Medicaid coverage for repairs greater than \$300 must be accompanied by a statement from the speech-language pathologist. The statement must indicate:

1. whether there have been any significant changes in the sensory status (e.g., vision, hearing, tactile); postural, mobility or motor status; speech, language, and expressive communication status; or any other communication need or limitation of the recipient as described in §1121.C.2-7.g and 10.a-e.v; and

2. whether the device remains the speech language pathologist's recommendation for recipient's use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1484 (August 2003).

#### **§1145. Replacement or Modification**

A. Modification or replacement of AAC devices will be covered by Medicaid subject to the following limitations:

1. requests for modification or replacement of AAC devices and/or accessories may be considered for coverage after the expiration of three or more years from the date of purchase of the current device and accessories in use, except as stated in Paragraphs 4 and Subparagraph 5.a. of this Subsection A.

2. requests for modification or replacement require prior authorization and must include the recommendation of the speech-language pathologist;

3. requests for replacements of AAC devices may be submitted for identical or different devices;

4. requests for replacements of identical AAC devices must be accompanied by a statement from the provider that the current device can not be repaired or that replacement will be more cost effective than repair of the current device. Data must be provided about the following:

- a. age;
- b. repair history;
  - i. frequency;
  - ii. duration; and
  - iii. cost; and
- c. repair projections (estimated durability of repairs);

5. requests for modification or replacement of AAC devices with different devices must include the following additional information:

a. a significant change has occurred in the recipient's expressive communication, impairments, and/or communication limitations. Modification or replacement requests due to changed individual circumstances must be supported by a new assessment of communication limitations by a speech-language pathologist, and may be submitted at any time; or

b. even though there has been no significant change in the recipient's communication limitations, there has been a significant change in the features or abilities of available AAC devices (i.e., a technological change) that will

overcome or permit an even greater amelioration of the recipient's communication limitations as compared to the current AAC device. A detailed description of all AAC device changes and the purpose of the changes must be provided with the results of a re-evaluation by a speech-language pathologist;

6. requests for replacements of AAC devices due to loss or damage (either for identical or different devices) must include a complete explanation of the cause of the loss or damage and a plan to prevent the recurrence of the loss or damage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1485 (August 2003).

David W. Hood  
Secretary

0308#006

#### **RULE**

#### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

Laboratory and X-Ray Prenatal Lab Panels  
(LAC 50:XIX.4313)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended LAC 50:XIX.4313 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule has been amended in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Title 50**

#### **PUBLIC HEALTH MEDICAL ASSISTANCE**

#### **Part XIX. Other Services**

#### **Subpart 3. Laboratory and X-Ray**

#### **Chapter 43. Billing and Reimbursement**

#### **Subchapter A. Billing**

#### **§4313. Prenatal Lab Panel Services**

A. Prenatal lab panel services must be billed utilizing standard Physicians' Current Procedural Terminology (CPT) codes from the Organ or Disease Oriented Panels sub-heading in the Pathology and Laboratory section of the CPT.

B. Only one prenatal lab panel claim shall be billed per recipient per pregnancy (270 days) per billing provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002), amended LR 29:1485 (August 2003).

David W. Hood  
Secretary

0308#089

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Medicaid Eligibility Disregard of Insurance  
Cash Surrender Value

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has promulgated the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended the current policy governing countable resources in the determination of Medicaid eligibility for the Medically Needy Program, Qualified Medicare Beneficiaries, Specified Low Income Beneficiaries, Qualified Individuals-I, TB-infected individuals and the special income level group (individuals in a medical institution for at least 30 consecutive days and individuals receiving home and community based waiver services for at least 30 consecutive days with gross income that does not exceed 300 percent of the SSI income standard).

Utilizing provisions allowed under Section 1902(r)(2) of the Social Security Act, the cash surrender value of life insurance and burial policies with a combined face value up to \$10,000 will be disregarded in the determination of Medicaid eligibility for the Medically Needy Program, Qualified Medicare Beneficiaries, Specified Low Income Beneficiaries, Qualified Individuals-I, TB-infected individuals, and the special income level group (individuals in a medical institution for at least 30 consecutive days and individuals receiving home and community based waiver services for at least 30 consecutive days with gross income that does not exceed 300 percent of the SSI income standard).

Implementation of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood  
Secretary

0308#088

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Medicaid Eligibility  
Increase of Burial Fund Exclusion

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has promulgated the following Rule in the Medical Assistance

Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended the current policy governing countable resources in the determination of Medicaid eligibility for the Medically Needy Program, Qualified Medicare Beneficiaries, Specified Low Income Beneficiaries, Qualified Individuals-I, TB-infected individuals, and the special income level group (individuals in a medical institution for at least 30 consecutive days and individuals receiving home and community based waiver services for at least 30 consecutive days with gross income that does not exceed 300 percent of the SSI income standard).

Utilizing provisions allowed under Section 1902(r)(2) of the Social Security Act, the maximum burial fund exclusion will be increased from \$1,500 to \$10,000 in the determination of Medicaid eligibility for the Medically Needy Program, Qualified Medicare Beneficiaries, Specified Low Income Beneficiaries, Qualified Individuals-I, TB-infected individuals, and the special income level group (individuals in a medical institution for at least 30 consecutive days and individuals receiving home and community based waiver services for at least 30 consecutive days with gross income that does not exceed 300 percent of the SSI income standard).

Implementation of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood  
Secretary

0308#087

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Mental Health Rehabilitation Services  
HIPAA Implementation

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has promulgated the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule was promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended the provisions contained in the November 20, 2001 Rule governing the procedure codes for mental health rehabilitation services. Mental health rehabilitation services shall be billed utilizing appropriate Health Care Financing Administration Common Procedure Codes and modifiers.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood  
Secretary

0308#090

## RULE

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### Personal Assistant Services Employment Support (LAC 50:XV.Chapter 141)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted LAC 50:XV. Chapter 141 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule was adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted the following provisions governing the coverage of Personal Assistant Services as an optional service under the Medicaid State Plan to support the employment efforts of recipients with disabilities who are age 18 through 64 years old. Disabled is defined as meeting the eligibility criteria established by the Social Security Administration for disability benefits.

#### Title 50

### PUBLIC HEALTH MEDICAL ASSISTANCE

#### Part XV. Services for Special Populations

##### Subpart 11. Personal Assistant Services

#### Chapter 141. Employment Support

##### §14101. General Provisions

A. The purpose of personal assistant services is to enable an individual to obtain, regain and/or maintain employment. The mission of Medicaid funded personal assistant services is to enhance the individual's independence and thereby reduce their dependency on cash assistance. The intent of this service program is to supplement the family and/or community supports that are available to assist the recipient in securing or maintaining employment in the community. This service program is not intended to be a substitute for available family and/or community supports. Personal assistant services must be prescribed by a physician or psychiatrist and provided in accordance with an approved service plan and supporting documentation. In addition, personal assistant services must be coordinated with the other Medicaid services being provided to the recipient and will be considered in conjunction with those other services. Personal assistant services will be provided in a manner consistent with the basic principles of consumer direction as set forth in §14107.

B. The responsibility of employers to provide assistance to disabled employees under the Americans with Disabilities Act includes job-related functions, and are not primarily for the personal benefit of the individual with a disability.

Personal assistant services provided under this Chapter will not supplant the employer's responsibilities.

C. An assessment shall be performed for every recipient who requests personal assistant services. This assessment shall be utilized to identify the recipient's needs and preferences as related to obtaining and maintaining employment, the availability of family and community supports and to develop the service plan. The Minimum Data Set-Home Care (MDS-HC) System will be used as the basic assessment tool. However, other assessment tools may be utilized as a supplement to the MDS-HC to address the needs of special groups within the target population.

D. Prior Authorization. Personal assistant services must be prior authorized. Requests for prior authorization must be submitted to the Bureau of Health Services Financing or its designee and include a copy of the assessment form and the service plan. Any other pertinent documents that substantiates the recipient's request for services may also be submitted. These documents will be reviewed to determine whether the recipient meets the criteria for personal assistant services and the necessity for the number of service hours requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1487 (August 2003).

##### §14103. Covered Services

A. Personal assistant services are defined as those services that provide assistance with the activities of daily living (ADL) and the instrumental activities of daily living (IADL) that are necessary for the purposes of obtaining and/or maintaining employment. Assistance may be either the actual performance of the personal assistant task for the individual or supervision and prompting so the individual performs the task by him/herself. ADLs are those personal, functional activities required by an individual for continued well-being, health and safety. ADLs include tasks such as:

1. eating;
2. bathing;
3. dressing;
4. grooming;
5. transferring (getting in/out of the tub, from a bed to a chair);
6. reminding the recipient to take medication;
7. ambulation; and
8. toileting.

B. IADLs are those activities that are considered essential for sustaining the individual's health and safety, but may not require performance on a daily basis. IADLs include tasks such as:

1. light housekeeping;
2. food preparation and storage;
3. grocery shopping;
4. laundry;
5. providing transportation when necessary:
  - a. to seek employment;
  - b. to go to and from the recipient's place of employment; or
  - c. to access other necessary activities; and
6. providing assistance in the completion of employment related or other necessary correspondence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1487 (August 2003).

#### **§14105. Recipient Qualifications**

A. Personal assistant services to support employment shall be available to recipients with disabilities who are age 18 through 64 years old. Disabled is defined as meeting the eligibility criteria established by the Social Security Administration for disability benefits. The recipient must require assistance with at least two activities of daily living and be able to participate in his/her care and self direct the services provided by the personal assistant independently or through a responsible representative. Responsible representative is defined as the person designated by the recipient to act on his/her behalf in the process of accessing personal care assistant services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003).

#### **§14107. Recipient Rights**

A. Recipients who receive services under Employment Support Personal Assistant Services Program have the right to actively participate in the development of their service plan and the decision-making process regarding service delivery. Recipients also have the right to freedom of choice in the selection of a provider of personal assistant services and to participate in the following activities:

1. interviewing and selecting the personal assistant who will be providing services;
2. developing the work schedule for their personal assistant;
3. training the individual personal assistant in the specific skills necessary to maintain the recipient's independent functioning while safely maintaining him/her in various settings;
4. developing an emergency component in the service plan that includes a list of personal assistant staff who can serve as back-up when unforeseen circumstances prevent the regularly scheduled personal assistant from providing services;
5. signing off on payroll logs and other documentation to verify staff work hours and to authorize payment;
6. evaluating the personal assistant's job performance; and
7. transferring or discharging the personal assistant assigned to provide their services;
8. an informal resolution process to address their complaints and/or concerns regarding personal assistant services; and
9. a formal resolution process to address those situations where the informal resolution process fails to resolve their complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003).

#### **§14109. Standards for Participation**

A. In order to participate as a Personal Assistant Services provider in the Medicaid Program, an agency:

1. must comply with:
  - a. state licensing regulations;
  - b. Medicaid provider enrollment requirements;
  - c. the standards of care set forth by the Louisiana Board of Nursing; and
  - d. the policy and procedures contained in the Personal Assistant Services provider manual;
2. must possess a current, valid license for the Client Services Providers, Personal Care Attendant Services Module issued by the Department of Social Services, Bureau of Licensing.

B. In addition, a Medicaid enrolled agency must:

1. either demonstrate experience in successfully providing direct care services to the target population or demonstrate the ability to successfully provide direct care services to the target population;
2. employ a sufficient number of personal assistant and supervisory staff to ensure adequate coverage in the event that a assistant's illness or an emergency prevents him/her from reporting for work;
3. ensure that a criminal background check and drug testing is conducted for all direct care staff prior to an offer of employment being made;
4. ensure that the direct care staff is qualified to provide personal assistant services. Assure that all new staff satisfactorily completes an orientation and training program in the first 30 days of employment;

NOTE: A legally responsible relative is prohibited from being the paid personal assistant for a family member. Legally responsible relative is defined as a recipient's spouse or a parent of a minor child.

5. ensure that an employee has a current, valid driver's license and automobile liability insurance if transportation is furnished. The provider agency must accept the liability for their employee transporting a recipient;
6. assure that all agency staff is employed in accordance with Internal Revenue Service (IRS) and Department of Labor regulations. The subcontracting of individual personal care staff and/or supervisors is prohibited;
7. implement and maintain an internal quality assurance plan to monitor recipient satisfaction with services on an ongoing basis;
8. document and maintain recipient records in accordance with federal and state regulations governing confidentiality and licensing requirements;
9. have written policies and procedures that recognize and reflect the recipient's right to participate in the activities set forth in §14107;
10. have a written policy for an informal resolution process to address recipient complaints and/or concerns regarding personal assistant services; and
11. have a written policy for a formal resolution process to address those situations where the informal resolution process fails to resolve the recipient's complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003).

**§14111. (Reserved)**

**§14113. Place of Service**

A. Personal assistant services may be provided in the recipient's home or in another location outside of the recipient's home if the provision of these services allows the recipient to participate in activities to obtain or maintain employment. The recipient's home is defined as the recipient's place of residence including his/her own house or apartment, a boarding house, or the house or apartment of a family member or unpaid primary care-giver. A hospital, an institution for mental disease, a nursing facility, or an intermediate care facility for the mentally retarded, are not considered to be the recipient's home.

B. The provision of services outside of the recipient's home does not include trips outside of the borders of the state. However, consideration will be given when the recipient lives in an area adjacent to the state's border and it is customary for residents of that area to seek medical and other services in the neighboring state or when the recipient is required to travel out of state for employment related business.

C. Personal assistant services shall not be provided in the personal assistant's home. However, consideration will be given if it can be satisfactorily assured that:

1. the selection of the place of service is consistent with the recipient's choice;
2. the recipient's health and safety can be maintained when services are provided in the personal assistant's home; and
3. the services do not substitute for otherwise available family and/or community supports.

D. Place(s) of service must be documented in the service plan and progress notes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003).

**§14115. Service Limitations**

A. Personal assistant services shall be limited to up to 56 hours per week. Authorization of service hours shall be considered on a case-by-case basis as substantiated by the recipient's service plan and supporting documentation. An extension of the weekly service limit may be requested and will be considered on the basis of medical necessity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003).

**§14117. Reimbursement Methodology**

A. Reimbursement for personal assistant services shall be a prospective flat rate for each approved unit of service that is provided to the recipient. One quarter hour is the standard unit of service for personal assistant services.

Reimbursement shall not be paid for the provision of less than one quarter hour of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003).

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood  
Secretary

0308#092

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Professional Services Program  
Physician Services  
HIPPA Implementation

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has promulgated the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended the February 20, 1996, and May 20, 2001 and 2002 Rules governing the reimbursement methodology for physician services to clarify the billing procedures for the reimbursement of the following services.

**Prenatal and Postpartum Visits**

A. Prenatal visits and postpartum visits must be billed utilizing standard Physicians= Current Procedural Terminology (CPT) codes from the Maternity Care and Delivery sub-heading in the Surgery section of the CPT and Office or Other Outpatient Services subheading in the Evaluation and Management section of CPT.

**Brainstem Evoked Response Screening**

A. Brainstem Evoked Response screening services must be billed utilizing standard CPT codes from the Special Otorhinolaryngologic Services subheading in the Medicine section of the CPT.

David W. Hood  
Secretary

0308#093

## RULE

### Department of Health and Hospitals Office of Public Health

#### Genetic Diseases Neonatal Screening (LAC 48:V.6303)

Under the authority of R.S. 40:5 and 40:1299 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health has amended and revised LAC 48:V.6303.A, B, C, D, F and G.

The Rule adds screening for galactosemia and includes other requirements necessary for ensuring proper testing, follow-up and reporting.

The Rule should have an overall positive impact on the stability, authority, functioning, behavior and personal responsibility of the family unit in that the Rule would ensure that all Louisiana newborns are screened for an additional life-threatening disease, galactosemia. Early detection and treatment of galactosemia can prevent mortality from the overwhelming infections as well as many of the debilitating neurological symptoms associated with this disease.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this Rule on the family has been considered. It is anticipated that this Rule will have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972. The Rule will enhance the functioning of the family for affected families as screening for galactosemia is life saving and prevents many of the debilitating symptoms associated with this disease.

#### Title 48

#### PUBLIC HEALTH GENERAL

#### Part V. Public Health Services

#### Subpart 19. Genetic Diseases Services

#### Chapter 63. Neonatal Screening

#### §6303. Purpose, Scope, Methodology

A. Purpose and Scope. R.S. 40:1299.1, 2, and 3 require physicians to test Louisiana newborns for phenylketonuria, congenital hypothyroidism, sickle cell disease, biotinidase deficiency and galactosemia. The Office of Public Health (OPH) maintains a laboratory for performing screening tests for hyperphenylalanemia manifest in phenylketonuria (PKU), for thyroxine (T<sub>4</sub>) and thyroid stimulating hormone (TSH) used in congenital hypothyroidism detection, hemoglobin identification for sickle cell disease and enzyme assays for detection of biotinidase deficiency and galactosemia. Definitive diagnostic tests are provided if the screening test is positive. The newborn screening battery may also be available through other approved laboratories (see Subsection G).

#### B. Methodology

1. - 3. ...

4. To ensure that specimens for testing are received within two to three days by the laboratory approved by OPH to perform newborn screening pursuant to the pertaining requirements of this Chapter, all such laboratories must provide mailing envelopes to submitting hospitals which guarantee a delivery time no longer than three days from

mailing. An example of an acceptable minimum option would be the use of the United States Postal Service's Flat Rate Priority Mailing Envelopes. The use of all other companies and courier services providing this service are acceptable.

#### C. Policy for Predischarge and Repeat Screening

1. ...

2. A newborn initially screened before 48 hours of age must receive a repeat screening no later than the third week of life. Repeat screening should be arranged by the primary pediatrician; however, it may be done by any primary healthcare provider or clinical facility qualified to perform newborn screening specimen collection. The blood specimen collection should be performed at the infant's first medical visit, regardless of age if they are seen at 48 hours of age or older. To ensure that neonates who need rescreening (due to initial unsatisfactory specimen, an initial collection performed on a baby less than 48 hours old) actually receive the repeat test, hospitals with maternity units must establish a system for disseminating information to parents about the importance of rescreening.

#### D. Notification of Screening Results

1. Providers are notified immediately of positive screens by telephone. Otherwise, submitters should receive the result slip from the State Central Laboratory within two to three weeks. Submitters may call the Central Lab for results 10 days after submission. The telephone number for the Central Lab is 504-568-5371. Results are also available to submitters 24 hours a day, 365 days a year through the Voice Response System with FAX (VRS) which is accessed by using a touch tone telephone. Information on using VRS can be obtained by calling the Genetic Diseases Program Office at 1-800-871-9548. To assist the pediatrician's office in the retrieval of the results on the initial specimen of the infant at the first medical visit, the phlebotomist or nurse collecting the initial specimen should tear off the blue carbon of the Lab-10 form and give this to the parent or guardian.

E. ...

#### F. Medical/Nutritional Management

1. - 1.a. ...

b. The patient must receive clinical and dietary management services through a metabolic center to include a medical evaluation at least once annually by a physician who is board certified in biochemical genetics or a medical geneticist physician with written documentation of a medical evaluation and continuing consultation with a physician board certified in biochemical genetics. A licensed registered dietitian must also be on staff and be readily available for both acute and chronic dietary needs of the patient. Children less than one year of age must be seen by the dietitian and medical geneticist at least twice a year. Children greater than one year of age must be seen at least once per year by the dietitian and medical geneticist.

c. The patient must provide necessary blood specimens for laboratory testing as requested by the treating physician meeting the above requirements. Laboratory test result values for phenylalanine and tyrosine must be submitted to the Genetics Program Office by the treating medical center within 15 working days after data reduction and interpretation.



d. The patient must include dietary records with the submission of each blood specimen.

e. - f. ...

g. If a patient fails to comply with these requirements, he/she will not be able to receive metabolic formula, medications and medical services through the Office of Public Health.

G. Acceptable Newborn Screening Testing Methodologies and Procedures for Medical Providers not using the State Laboratory. Laboratories performing or intending to perform the state mandated newborn screening battery on specimens collected on Louisiana newborns must meet the conditions specified below pursuant to R.S. 40:1299.1.

1. The testing battery must include testing for phenylketonuria (PKU), congenital hypothyroidism, biotinidase deficiency, galactosemia and the following hemoglobinopathies: sickle cell disease, SC disease, thalassemias, E disease and C disease.

2. - 4. ...

5. Only the following testing methodologies are acceptable without prior approval.

Disease	Testing Methodology
PKU	Fluorometric Tandem Mass Spectrometry Guthrie Bacterial Inhibition Assay Phenylalanine level cut-off: $\geq 3$ mg/dL, call Genetics Office immediately for obtaining phenylalanine/tyrosine
Congenital Hypothyroidism	Radioimmunoassay (RIA) or Enzyme Immunoassay (EIA) Methods for T4 and/or Thyroid Stimulating Hormone (TSH) which have been calibrated for neonates
Biotinidase Deficiency	Qualitative or Quantitative Enzymatic Colorometric or Fluorometric
Hemoglobinopathies (Sickle Cell)	Cellulose acetate/citrate agar Capillary isoelectric focusing (CIEF) Gel isoelectric focusing (IEF) High Pressure Liquid Chromatography (HPLC) DNA Analysis Sickle Dex – NOT acceptable Controls must include: F, A, S, C, E Result Reporting: by phenotype Positive/negative is NOT acceptable
Galactosemia	Galt enzyme assay Total Galactose
New Food and Drug Administration approved methodologies may be used if found to be acceptable by the Genetic Diseases Program. Approval should be requested in writing 60 days before the intended date of implementation (see Genetic Diseases Program mailing address below). Requests for approval will be based on documentation of FDA approval and an in-house validation study of said methodology.	

6. - 7. ...

8. Mandatory Reporting of Positive Test Results Indicating Disease

a. ...

b. Specific time deadlines after data reduction and interpretation for reporting positive results indicating probable disease to the Genetics Office:

i. pku: report a phenylalanine level of  $\geq 3$  mg/dL on the initial or repeat blood specimen within 2 hours;

ii. galactosemia: report test results on the initial or repeat blood specimen within 2 hours;

iii. congenital hypothyroidism: report confirmatory test results within 24 hours;

iv. biotinidase deficiency: report results within 24 hours;

v. sickle cell disease and other hemoglobinopathies: report results of FS, FSC, FSA, FSE, FS-other, FC, FCA and FC-other from initial specimens within 24 hours.

8.c. - 9.b.ii. ...

10. Reporting requirements of private laboratories to the Genetic Diseases Program Office for public health surveillance and quality assurance purposes.

a. ...

b. Effective July 1, 2001, the laboratory must also report to the Genetic Diseases Program Office via electronic transmission newborn screening results on all Louisiana newborns screened monthly or quarterly. The method of transmitting as well as the reporting must be by diskette or another mutually agreed upon form of electronic transmission. The file format and data layout will be determined by the Genetic Diseases Program. Essential patient data is the following:

- i. child's first name;
- ii. child's last name;
- iii. mother's first name;
- iv. mother's last name;
- v. mother's maiden name (optional);
- vi. child's street address;
- vii. child's city;
- viii. child's state;
- ix. child's zip code;
- x. child's parish (optional);
- xi. child's date of birth (format: mm/dd/yyyy);
- xii. child's sex;
- xiii. child's race (format: (W)hite, (B)lack, Native America, Asian, other, Hispanic);
- xiv. mother's social security number (format: 999-99-9999).

11. ...

a. assurance of compliance with the requirements described in Paragraphs 1-10 above.

11.a. - 12.notes ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 18:378 (April 1991), LR 18:1131 (October 1992), LR 20:1386 (December 1994), LR 23:301 (March 1997), LR 27:545 (April 2001), LR 29:1490 (August 2003).

David W. Hood  
Secretary

0308#069

**RULE**

**Department of Natural Resources  
Office of Conservation**

Surface Mining

(LAC 43:XV.105, 1105-1109, 2111, 2113, 2311, 2323, 2731, 2733, 3103, 3115, 3705, 5423, 5424 and 5425)

Under the authority of the Louisiana Surface Mining and Reclamation Act, particularly R.S. 30:901 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation adopts rules and regulations to amend LAC 43:XV, (Statewide Order 29-O-1) the Louisiana Surface Mining Regulations, governing valid existing rights and revegetation success standards for post-mining land uses of pastureland and wildlife habitat.

The Department of the Interior, Office of Surface Mining Reclamation and Enforcement, under the provisions of 30 CFR 732.17(d), has notified the Louisiana Office of Conservation, Injection and Mining Division of changes in Public Law 95-87, the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and the federal regulations promulgated pursuant to SMCRA which make it necessary for Louisiana to modify its Surface Mining Regulatory Program to remain consistent with all federal regulations. The director of the Office of Surface Mining Reclamation and Enforcement approved the proposed amendments in *Federal Register*, Vol. 67, No. 38, February 26, 2002, pp. 8717-8719 and Vol. 67, No. 221, November 15, 2002, pp. 69123-69129.

**Title 43**

**NATURAL RESOURCES**

**Part XV. Office of Conservation - Surface Mining**

**Subpart 1. General Information**

**Chapter 1. General**

**§105. Definitions**

A. ...

\* \* \*

*Valid Existing Rights.* A set of circumstances under which a person may, subject to office approval, conduct surface coal mining operations on lands where §922.D of the Act and §1105 of these regulations would otherwise prohibit such operations. Possession of *valid existing rights* only confers an exception from the prohibitions of §1105 of these regulations or §922.D of the Act. A person seeking to exercise *valid existing rights* must comply with all other pertinent requirements of the act and the regulatory program.

a. Property Rights Demonstration. Except as provided in §105.*Valid Existing Rights.c*, a person claiming *valid existing rights* must demonstrate that a legally binding conveyance, lease, deed, contract, or other document vests that person, or a predecessor in interest, with the right to conduct the type of surface coal mining operations intended. This right must exist at the time that the land came under the protection of §922.D of the Act or §1105 of these regulations. Applicable state law will govern interpretation of documents relied upon to establish property rights, unless federal law provides otherwise. If no applicable state law exists, custom and generally accepted usage at the time and place that the documents came into existence will govern their interpretation.

b. Except as provided in §105.*Valid Existing Rights.c*, a person claiming *valid existing rights* also must demonstrate compliance with one of the following standards.

i. Good Faith/All Permits Standard. All permits and other authorizations required to conduct surface coal mining operations had been obtained, or a good faith effort to obtain all necessary permits and authorizations had been made, before the land came under the protection of §922.D of the Act or §1105 of these regulations. At a minimum, an application must have been submitted for any permit required under Subpart 3 of these regulations.

ii. Needed for and Adjacent Standard. The land is needed for and immediately adjacent to a surface coal mining operation for which all permits and other authorizations required to conduct surface coal mining operations had been obtained, or a good faith attempt to obtain all permits and authorizations had been made, before the land came under the protection of §922.D of the Act or §1105 of these regulations. To meet this standard, a person must demonstrate that prohibiting expansion of the operation onto that land would unfairly impact the viability of the operation as originally planned before the land came under the protection of §922.D of the Act or §1105 of these regulations. Except for operations in existence before August 3, 1977, or for which a good faith effort to obtain all necessary permits had been made before August 3, 1977, this standard does not apply to lands already under the protection of §922.D of the Act or §1105 of these regulations when the office approved the permit for the original operation or when the good faith effort to obtain all necessary permits for the original operation was made. In evaluating whether a person meets this standard, the office may consider factors such as:

(a) the extent to which coal supply contracts or other legal and business commitments that predate the time that the land came under the protection of §922.D of the Act or §1105 of these regulations depend upon use of that land for surface coal mining operations;

(b) the extent to which plans used to obtain financing for the operation before the land came under the protection of §922.D of the Act or §1105 of these regulations rely upon use of that land for surface coal mining operations;

(c) the extent to which investments in the operation before the land came under the protection of §922.D of the Act or §1105 of these regulations rely upon use of that land for surface coal mining operations; and

(d) whether the land lies within the area identified on the life-of-mine map submitted under §2535.A.3 before the land came under the protection of §1105.

a. Roads. A person who claims *valid existing rights* to use or construct a road across the surface of lands protected by §1105 of these regulations or §922.D of the Act must demonstrate that one or more of the following circumstances exist if the road is included within the definition of surface coal mining operations in §105:

i. the road existed when the land upon which it is located came under the protection of §1105 of these regulations or §922.D of the Act, and the person has a legal right to use the road for surface coal mining operations;

ii. a properly recorded right-of-way or easement for a road in that location existed when the land came under the protection of §1105 of these regulations or §922.D of the

Act, and, under the document creating the right-of-way or easement and under subsequent conveyances, the person has a legal right to use or construct a road across the right-of-way or easement for surface coal mining operations;

iii. a valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of §1105 of these regulations or §922.D of the Act; or

iv. valid existing rights exist under §105. Valid Existing Rights.a and b.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 24:2283 (December 1998), LR 29:1492 (August 2003).

## **Subpart 2. Areas Unsuitable for Mining**

### **Chapter 11. Areas Designated by Act of Congress**

#### **§1105. Areas Where Mining is Prohibited or Limited**

A. No surface coal mining operation shall be conducted on the following lands unless the applicant has either valid existing rights, as determined under §2323, or qualifies for the exception for existing operations under §1109.

A.1. - A.4.a. ...

b. where the office allows the public road to be relocated or the area affected to be within 100 feet of such road, after public notice and opportunity for a public hearing in accordance with §1107.D, and after making a written finding that the interests of the affected public and landowners will be protected;

A.5. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1493 (August 2003).

#### **§1107. Procedures**

A. ...

B. The office shall reject any portion of the application that would locate surface coal mining operations on land protected under §1105 unless:

1. the site qualifies for the exception for existing operations under §1109;

2. a person has valid existing rights for the land, as determined under §2323;

3. the applicant obtains a waiver or exception from the prohibitions of §1105 in accordance with §1107.D or E; or

4. for lands protected by §1105.A.3, both the office and the agency with jurisdiction over the park or place jointly approve the proposed operation in accordance with §1107.F.

C. If the office is unable to determine whether the proposed operation includes land within an area specified in §1105.A.1 or is located closer than the limits provided in §1105.A.6 or 7, the office shall transmit a copy of the relevant portions of the permit application to the federal, state or local government agency with jurisdiction over the protected land, structure or feature for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it must respond within 30 days of receipt of the request. The notice must specify

that another 30 days is available upon request, and that the office will not necessarily consider a response received after the comment period provided. If no response is received within the 30-day period or within the extended period granted, the office may make the necessary determination based on the information it has available.

D. §1107.D does not apply to lands for which a person has valid existing rights, as determined under §2323; lands within the scope of the exception for existing operations in §1109; or access or haul roads that join a public road, as described in §1105.A.4.b. Where the mining operation is proposed to be conducted within 100 feet, measured horizontally, of the outside right-of-way line of any public road (except as provided in §1105.A.4.b) or where the applicant proposes to relocate or close any public road, the office or public road authority designated by the office shall:

1. require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road;

2. provide an opportunity for a public hearing in the locality of the proposed mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected;

3. if a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two weeks prior to the hearing; and

4. make a written finding based upon information received at the public hearing within 30 days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the public and affected landowners will be protected from the proposed mining operation. No mining shall be allowed within 100 feet of the outside right-of-way line of a road, nor may a road be relocated or closed, unless the office or public road authority determines that the interests of the public and affected landowners will be protected.

E.1. Subsection 1107.E does not apply to lands for which a person has valid existing rights, as determined under §2323; lands within the scope of the exception for existing operations in §1109; or access or haul roads that connect with an existing public road on the side of the public road opposite the dwelling, as provided in §1105.A.5. Where the proposed surface coal mining operations would be conducted within 300 feet, measured horizontally, of any occupied dwelling, the applicant shall submit with the application a written waiver by lease, deed or other conveyance from the owner of the dwelling clarifying that the owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver shall act as consent to such operations within a closer distance of the dwelling as specified.

2. Where the applicant for a permit after August 3, 1977 had obtained a valid waiver prior to August 3, 1977 from the owner of an occupied dwelling to mine within 300 feet of such dwelling, a new waiver shall not be required.

3.a. Where the applicant for a permit after August 3, 1977 had obtained a valid waiver from the owner of an occupied dwelling, that waiver shall remain effective against subsequent purchasers who had actual or constructive knowledge of the existing waiver at the time of purchase.

b. A subsequent purchaser shall be deemed to have constructive knowledge if the waiver has been properly filed

in public-property records pursuant to state laws or if the mining has proceeded to within the 300-foot limit prior to the date of purchase.

F.1. Where the office determines that the proposed surface coal mining operation will adversely affect any publicly owned park or any place included in the National Register of Historic Places, the office shall transmit to the federal, state or local agency with jurisdiction over the park or place a copy of applicable parts of the permit application, together with a request for that agency's approval or disapproval of the operation, and a notice to that agency that it has 30 days from receipt of the request within which to respond. The notice must specify that another 30 days is available upon request, and that failure to interpose a timely objection will constitute approval. The office may not issue a permit for a proposed operation subject to the provisions of this Paragraph unless all affected agencies jointly approve.

2. Subsection 1107.F does not apply to lands for which a person has valid existing rights, as determined under §2323 or lands within the scope of the exception for existing operations in §1109.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1493 (August 2003).

#### **§1109. Exception for Existing Operations**

A. The prohibitions and limitations of §1105 do not apply to surface coal mining operations for which a valid permit, issued under Subpart 3 of these regulations, exists when the land comes under the protection of §1105. This exception applies only to lands within the permit area as it exists when the land comes under the protection of §1105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 29:1494 (August 2003).

### **Subpart 3. Surface Coal Mining and Reclamation Operations Permits and Coal Exploration and Development Procedures Systems**

#### **Chapter 21. Coal Exploration and Development**

##### **§2111. General Requirements: Development Operations Involving Removal of More Than 250 Tons**

A. - A.7. ...

8. for any lands listed in §1105, a demonstration that, to the extent technologically and economically feasible, the proposed exploration activities have been designed to minimize interference with the values for which those lands were designated as unsuitable for surface coal mining operations. The application must include documentation of consultation with the owner of the feature causing the land to come under the protection of §1105, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of §1105.

B. - B.3 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December

1979), amended LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1494 (August 2003).

##### **§2113. Applications: Approval or Disapproval of Development of More Than 250 Tons**

A. - B.3 ...

4. will, with respect to exploration activities on any lands protected under §1105, minimize interference, to the extent technologically and economically feasible, with the values for which those lands were designated as unsuitable for surface coal mining operations. Before making this finding, the office will provide reasonable opportunity to the owner of the feature causing the land to come under the protection of §1105, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of §1105, to comment on whether the finding is appropriate.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1494 (August 2003).

#### **Chapter 23. Surface Mining Permit Applications: Minimum Requirements for Legal, Financial, Compliance and Related Information**

##### **§2311. Relationship to Areas Designated Unsuitable for Mining**

A. ...

B. If an applicant proposes to conduct surface mining activities within 300 feet of an occupied dwelling, the application shall contain the waiver of the owner of the dwelling as required by §1107.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1494 (August 2003).

##### **§2323. Valid Existing Rights Determination**

A. OSM is responsible for determining valid existing rights for federal lands listed at §1105. The office is responsible for determining valid existing rights for all non-Federal lands listed at §1105. The provisions of this Section apply when the office is responsible for determining valid existing rights.

B. A request for a valid existing rights determination must be submitted if surface coal mining operations will be conducted on the basis of valid existing rights under §1105. This request may be submitted before submitting an application for a permit or boundary revision.

1. Requirements for property rights demonstration. If the request relies upon the good faith/all permits standard or the needed for and adjacent standard in §105. *Valid Existing Rights*.b, the applicant must provide a property rights demonstration under §105. *Valid Existing Rights*.a. This demonstration must include the following items:

a. a legal description of the land to which the request pertains;

b. complete documentation of the character and extent of the applicant's current interests in the surface and mineral estates of the land to which your request pertains;

c. a complete chain of title for the surface and mineral estates of the land to which the request pertains;

d. a description of the nature and effect of each title instrument that forms the basis for the request, including any provision pertaining to the type or method of mining or mining-related surface disturbances and facilities;

e. a description of the type and extent of surface coal mining operations that the applicant claims the right to conduct, including the method of mining, any mining-related surface activities and facilities, and an explanation of how those operations would be consistent with Louisiana property law;

f. complete documentation of the nature and ownership, as of the date that the land came under the protection §1105, of all property rights for the surface and mineral estates of the land to which the request pertains;

g. names and addresses of the current owners of the surface and mineral estates of the land to which the request pertains;

h. if the coal interests have been severed from other property interests, documentation that the applicant has notified and provided reasonable opportunity for the owners of other property interests in the land to which the request pertains to comment on the validity of the applicant's property rights claims;

i. any comments that the applicant received in response to the notification provided under §2323.B.1.h.

2. Requirements for Good Faith/All Permits Standard. If the request relies upon the good faith/all permits standard in §105.*Valid Existing Rights*.b.i, the applicant must submit the information required under §2323.B.1. The applicant also must submit the following information about permits, licenses, and authorizations for surface coal mining operations on the land to which the request pertains:

a. approval and issuance dates and identification numbers for any permits, licenses, and authorizations that the applicant or a predecessor in interest obtained before the land came under the protection of §1105;

b. application dates and identification numbers for any permits, licenses, and authorizations for which the applicant or a predecessor in interest submitted an application before the land came under the protection of §1105;

c. an explanation of any other good faith effort that the applicant or a predecessor in interest made to obtain the necessary permits, licenses, and authorizations as of the date that the land came under the protection of §1105.

3. Requirements for Needed for and Adjacent Standard. If the request relies upon the needed for and adjacent standard in §105.*Valid Existing Rights*.b.ii, the applicant must submit the information required under §2323.B.1. In addition, the applicant must explain how and why the land is needed for and immediately adjacent to the operation upon which the request is based, including a demonstration that prohibiting expansion of the operation onto that land would unfairly impact the viability of the operation as originally planned before the land came under the protection of §1105.

4. Roads. If the request relies upon one of the standards for roads in §105.*Valid Existing Rights*.c.i-iii, documentation must show that:

a. the road existed when the land upon which it is located came under the protection of §1105 of these regulations or §922.D of the Act, and the applicant has a legal right to use the road for surface coal mining operations;

b. a properly recorded right-of-way or easement for a road in that location existed when the land came under the protection of §1105 of these regulations or §922.D of the Act, and, under the document creating the right-of-way or easement, and under any subsequent conveyances, the applicant has a legal right to use or construct a road across that right-of-way or easement to conduct surface coal mining operations; or

c. a valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of §1105 of these regulations or §922.D of the Act.

#### C. Initial Review of Request

1. The office shall conduct an initial review to determine whether the request includes all applicable components of the submission requirements of §2323.B. This review pertains only to the completeness of the request, not the legal or technical adequacy of the materials submitted.

2. If the request does not include all applicable components of the submission requirements of §2323.B, the office shall notify the applicant and establish a reasonable time for submission of the missing information.

3. When the request includes all applicable components of the submission requirements of §2323.B, the office shall implement the notice and comment requirements of §2323.D.

4. If the information requested under §2323.C.2 is not provided within the time specified or as subsequently extended, the office shall issue a determination that valid existing rights have not been demonstrated, as provided in §2323.E.4.

#### D. Notice and Comment Requirements and Procedures

1. When the request satisfies the completeness requirements of §2323.C, the applicant must publish a public notice in accordance with §3103.A. This notice must invite comment on the merits of the request. The notice shall contain, at a minimum:

a. the location of the land to which the request pertains;

b. a description of the type of surface coal mining operations planned;

c. a reference to and brief description of the applicable standards under the definition of valid existing rights in §105;

i. if the request relies upon the good faith/all permits standard or the needed for and adjacent standard in §105.*Valid Existing Rights*.b, the notice also must include a description of the property rights claimed and the basis for that claim;

ii. if the request relies upon the standard in §105.*Valid Existing Rights*.c.i, the notice also must include a description of the basis for the claim that the road existed when the land came under the protection of §1105 of these regulations or §922.D of the Act. In addition, the notice must include a description of the basis for the claim that the applicant has a legal right to use that road for surface coal mining operations;

iii. if the request relies upon the standard in §105.*Valid Existing Rights.c.ii*, the notice also must include a description of the basis for the claim that a properly recorded right-of-way or easement for a road in that location existed when the land came under the protection of §1105 of these regulations or §922.D of the Act. In addition, the notice must include a description of the basis for the claim that, under the document creating the right-of-way or easement, and under any subsequent conveyances, the applicant has a legal right to use or construct a road across the right-of-way or easement to conduct surface coal mining operations;

d. if the request relies upon one or more of the standards in §105.*Valid Existing Rights.b, c.i, and c.ii*, a statement that the office will not make a decision on the merits of the request if, by the close of the comment period under this notice or the notice required by §2323.D.3, a person with a legal interest in the land initiates appropriate legal action in the proper venue to resolve any differences concerning the validity or interpretation of the deed, lease, easement, or other documents that form the basis of the claim;

e. a description of the procedures that the office will follow in processing the request;

f. the closing date of the comment period, which must be a minimum of 30 days after the publication date of the notice;

g. a statement that interested persons may obtain a 30-day extension of the comment period upon request; and

h. the name and address of the office where a copy of the request is available for public inspection and to which comments and requests for extension of the comment period should be sent.

2. The office shall promptly provide a copy of the notice required under §2323.D.1 to:

a. all reasonably locatable owners of surface and mineral estates in the land included in the request; and

b. the owner of the feature causing the land to come under the protection of §1105, and, when applicable, the agency with primary jurisdiction over the feature with respect to the values causing the land to come under the protection of §1105.

3. The letter transmitting the notice required under §2323.D.2 must provide a 30-day comment period, starting from the date of service of the letter, and specify that another 30 days is available upon request. At its discretion, the agency responsible for the determination of valid existing rights may grant additional time for good cause upon request. The agency need not necessarily consider comments received after the closing date of the comment period.

#### E. How a Decision Will Be Made

1. The office must review the materials submitted under §2323.B, comments received under §2323.D, and any other relevant, reasonably available information to determine whether the record is sufficiently complete and adequate to support a decision on the merits of the request. If not, the office must notify the applicant in writing, explaining the inadequacy of the record and requesting submittal, within a specified reasonable time, of any additional information that the office deems necessary to remedy the inadequacy.

2. Once the record is complete and adequate, the office must determine whether the applicant has demonstrated valid existing rights. The decision document must explain how the applicant has or has not satisfied all applicable elements of the definition of valid existing rights in §105. It must contain findings of fact and conclusions, and it must specify the reasons for the conclusions.

3. Impact of Property Rights Disagreements. This Paragraph applies only when the request relies upon one or more of the standards in §105.*Valid Existing Rights.b, c.i, and c.ii*.

a. The office must issue a determination that the applicant has not demonstrated valid existing rights if property rights claims are the subject of pending litigation in a court or administrative body with jurisdiction over the property rights in question. The office will make this determination without prejudice, meaning that the applicant may refile the request once the property rights dispute is finally adjudicated. This Paragraph applies only to situations in which legal action has been initiated as of the closing date of the comment period under §§2323.D.1 or D.3.

b. If the record indicates disagreement as to the accuracy of property rights claims, but this disagreement is not the subject of pending litigation in a court or administrative agency of competent jurisdiction, the office must evaluate the merits of the information in the record and determine whether the applicant has demonstrated that the requisite property rights exist under §105.*Valid Existing Rights.a, c.i, or c.ii*, as appropriate. The office must then proceed with the decision process under §2323.E.2.

4. The office must issue a determination that the applicant has not demonstrated valid existing rights if information that the office requests under §§2323.C.2 or E.1 is not submitted within the time specified or as subsequently extended. The office will make this determination without prejudice, meaning that the applicant may refile a revised request at any time.

5. After making a determination, the office must:

a. provide a copy of the determination, together with an explanation of appeal rights and procedures, to the applicant, to the owner or owners of the land to which the determination applies, to the owner of the feature causing the land to come under the protection of §1105, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of §1105; and

b. publish notice of the determination in a newspaper of general circulation in the parish in which the land is located.

F. Administrative and Judicial Review. A determination that the applicant has or does not have valid existing rights is subject to administrative and judicial review under §§3301 and 3303.

G. Availability of Records. The office must make a copy of that request available to the public in the same manner as the office must make permit applications available to the public under §2119. In addition, the office must make records associated with that request, and any subsequent determination under §2323.E, available to the public in accordance with the requirements and procedures of §6311.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 29:1494 (August 2003).

## **Chapter 27. Surface Mining Permit Applications: Minimum Requirements for Reclamation and Operation Plan**

### **§2731. Protection of Public Parks and Historic Places**

A. - A.1. ...

2. if valid existing rights exist or joint agency approval is to be obtained under §1107.F, to minimize adverse impacts.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1497 (August 2003).

### **§2733. Relocation or Use of Public Roads**

A. Each application shall describe, with appropriate maps and cross-sections, the measures to be used to ensure that the interests of the public and landowners affected are protected if, under §1107.D, the applicant seeks to have the office approve conduction of the proposed surface mining activities within 100 feet of the right-of-way line of any public road, except where mine access or haul roads join that right-of-way, or seeks approval for relocating a public road.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1497 (August 2003).

## **Chapter 31. Public Participation, Approval of Permit Applications and Permit Terms and Conditions**

### **§3103. Public Notices of Filing of Permit Applications**

A. - A.4. ...

5. if an applicant seeks a permit to mine within 100 feet of the outside right-of-way of a public road or to relocate or close a public road, except where public notice and hearing have previously been provided for this particular part of the road in accordance with §1107.D, a concise statement describing the public road, the particular part to be relocated or closed, and the approximate timing and duration of the relocation or closing;

A.6. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1497 (August 2003).

### **§3115. Criteria for Permit Approval or Denial**

A. - A.4.b. ...

c. not on any lands subject to the prohibitions or limitations of §1105; or

4.d. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December

1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1497 (August 2003).

## **Chapter 37. Small Operator Assistance**

### **§3705. Eligibility for Assistance**

A. - A.1. ...

2. establishes that his or her probable total actual and attributed production from all locations during any consecutive 12-month period either during the term of his or her permit or during the first five years after issuance of his or her permit, whichever period is shorter, will not exceed 300,000 tons. Production from the following operations shall be attributed to the applicant:

a. the pro rata share, based upon percentage of ownership of the applicant, of coal produced by operations in which the applicant owns more than a 10 percent interest;

b. the pro rata share, based upon percentage of ownership of the applicant, of coal produced in other operations by persons who own more than 10 percent of the applicant's operation;

A.2.c. - A.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 6:177 (May 1980), amended LR 14:441 (July 1988), LR 20:447 (April 1994), LR 29:1497 (August 2003).

## **Subpart 5. Permanent Program Performance Standards**

### **Chapter 53. Permanent Program Performance Standards: Surface Mining Activities**

#### **§5423. Revegetation: Standards for Success**

A. - B.1.d.iv. ...

e. The criteria and procedures for determining ground cover and production success are found at §5424.

B.2. - B.8. ...

a. The criteria and procedures for determining ground cover and stocking success are found at §5425.

B.9. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 21:1082 (October 1995), LR 29:1497 (August 2003).

#### **§5424. Revegetation: Standards for Success Post-Mining Land Use of Pastureland**

A. Introduction

1. This Section describes the criteria and procedures for determining ground cover and production success for areas being restored to pastureland.

2. Pursuant to §5423, ground cover and production success on pastureland must be determined on the basis of the following conditions:

a. general revegetation requirements of the approved permit;

b. ground cover density; and

c. production.

3. The permittee is responsible for determining and measuring ground cover and production and submitting this data to the commissioner for evaluation. Procedures for making these determinations are described below.

B. Success Standards and Measurement Frequency

1. Ground Cover

a. Ground cover shall be considered acceptable if it is at least 90 percent of the approved success standard at a 90 percent statistical confidence level for any two of the last four years of the five-year responsibility period. The success standard for ground cover shall be 90 percent.

i. Ground cover must be measured over each noncontiguous area that is proposed for release. The aggregate of areas with less than 90 percent ground cover must not exceed 5 percent of the release area. These areas must not be larger than 1 acre and must be completely surrounded by desirable vegetation that has a ground cover of 90 percent. Areas void of desirable vegetation may not be larger than 1/4 acre and must be surrounded by desirable vegetation that has a ground cover of 90 percent. Refer to sampling technique for ground cover in §5424.C.2.a.

b. Ground cover shall consist of the species mixture approved in the original permit or an approved acceptable species mixture as recommended by the USDA/Natural Resources Conservation Service (NRCS) for use in that area. No more than 15 percent of the stand can be approved species not listed in the permit.

c. The sampling techniques for measuring success shall use a 90 percent statistical confidence interval (i.e., one-sided test with a .10 alpha error). Whenever ground cover is equal to or exceeds the success standard, the statistical confidence interval test does not have to be determined.

d. Ground cover success and forage production success need not be met during the same year.

e. Ground cover shall be sampled once per year during any two of the last four years of the five-year responsibility period to verify cover data.

## 2. Forage Production

a. The success standard for production of hay on pastureland shall be 90 percent of an approved reference area, if a reference area is established, or 90 percent of the estimated yield found in the Soil Conservation Service (now Natural Resources Conservation Service (NRCS)) parish soil survey. The estimated yields are those expected under a high level of management and were determined by the NRCS based on records of farmers, conservationists and extension agents.

b. Production shall be sampled for at least two separate years. Any two of the last four years of the five-year responsibility period may be selected.

## 3. Reference Area Requirements

a. Reference areas must be representative of soils, slope, aspect, and vegetation in the premined permit area. However, in cases where differences exist because of mixing of several soil series on the reclaimed area or unavailability of a reference area as herein described, yields must be adjusted.

b. Reference area pastureland must be under the same management as pastureland in the reclaimed area. This means that it must:

i. consist of similar plant species and diversity as approved in the permit;

ii. be currently managed under the same land use designation as the proposed mined release area;

iii. consist of soils in the same land capability class;

iv. be located in the general vicinity of the mined test area to minimize the impact of differing weather;

v. use the same fertilizer and pest management techniques;

vi. use fertilizer rates based on the same yield goal;

vii. be mowed at the same time to the same height as the reclaimed area;

viii. use identical harvest dates and plant populations; and

ix. use any other commonly used management techniques not listed above such as adequate weed and insect control, provided the pastureland area and the reference plot are treated identically.

c. Reference areas shall consist of a single plot (whole plot) at least four acres in size. Either statistically adequate subsampling or whole plot harvesting may be used to determine yields.

d. Reference plot forage yields must be at a level that is reasonably comparable to the parish average for the given crop. Reference plot yields that are less than 80 percent of the parish average are highly suspect and may be rejected.

e. Reference areas may be located on undisturbed acreage within permitted areas. If not so located, the permittee must obtain from the landowner(s) a written agreement allowing use of the property as a reference area and allowing right of entry for regulatory personnel.

f. When release areas and reference plots fall on different soil series, adjustments must be made to compensate for the productivity difference.

## C. Sampling Procedures

### 1. Random Sampling

a. To assure that the samples truly represent the vegetative characteristics of the whole release or reference area, the permittee must use methods that will provide:

i. a random selection of sampling sites;

ii. a sampling technique unaffected by the sampler's preference; and

iii. sufficient samples to represent the true mean of the vegetation characteristics.

b. Sampling points shall be randomly located by using a grid overlay on a map of the release or reference area and by choosing horizontal and vertical coordinates. Each sample point must fall within the release or reference area boundaries and be within an area having the vegetative cover type being measured. Additionally, at least one ground cover sample point must be measured in each noncontiguous unit, if the release area does not consist of a single unit.

c. The permittee shall notify the office 10 days prior to conducting sampling or other harvesting operations to allow regulatory personnel an opportunity to monitor the sampling procedures.

### 2. Sampling Techniques

a. Ground Cover. There are several approved methods for measuring ground cover. As stated at §5423.A.1, these are: pin method, point frame method and line intercept method. The first contact, or "hit," of



vegetation shall be classified by species as acceptable or unacceptable as follows:

Acceptable	Unacceptable
Vegetation approved in permit	Vegetation not approved in permit
Dead vegetation or litter from acceptable species	Rock or bare ground
Acceptable <del>not</del> approved in permit	

i. Pin Method. In the pin method, a pinpoint is lowered to the ground. If vegetation is encountered, a hit is recorded. If bare ground is encountered, a miss is recorded. Sample locations are distributed randomly throughout the area to be measured. Percentage of cover is the number of hits divided by the total number of points sampled. Each randomly placed pin is considered one sample unit. An acceptable type of pin method would include recording each pin contact at one-foot intervals along a 100-foot tape. Each randomly placed 100-foot tape would be considered one sample unit.

ii. Point Frame Method. In the point frame method, a group of pinpoints is lowered to the ground. If vegetation is encountered, a hit is recorded. If bare ground is encountered, a miss is recorded. Sample locations are distributed randomly throughout the area to be measured. Percentage of cover is the number of hits divided by the total number of points sampled. Each randomly placed frame is considered one sample unit.

iii. Line Intercept Method. The sampling unit is a tape at least 100 feet long that is stretched from a random starting point in a randomly selected direction. The procedure consists of recording the length of tape underlain by vegetation, then dividing by the total length of tape to obtain the percentage of cover. Each randomly located tape is considered one sampling unit.

b. Productivity

i. When evaluating productivity, two components that may potentially influence the end results of production yields are time of harvest and moisture content.

(a). Time of Harvest. Herbaceous species must be harvested at times and frequencies appropriate to the plant species (i.e., cool-season species should be sampled in the winter or spring; warm-season species should be sampled in the summer or fall). Sampling should be timed to coincide with seed ripeness or the mature stage of the target vegetative species. Plant communities that are comprised of both cool- and warm-season species should be sampled when the overall plant community production is at a peak. If an area has not had herbaceous biomass removed (i.e., mowing, baling, grazing) since the last sampling, then sampling must not be conducted until the vegetation is removed and regrowth has taken place.

(b). Moisture Content. The moisture content of harvested herbaceous biomass and other vegetative components must be standardized, in order to eliminate weight variations due to moisture content. The weight of harvested vegetation is to be standardized by oven-drying at 60° C for 24 hours or until the weight stabilizes.

ii. Productivity can be evaluated by hand-harvesting or with mechanized agricultural implements. Productivity measurements must be obtained during the

growing season of the primary vegetation species. Productivity is estimated from only the current season's growth. There are two methods that can be used to evaluate production: using sampling frames for harvesting plots or whole-field harvests.

(a). Sampling Frames. A sampling frame shall be an enclosure, of known dimension appropriate for sampling pasture lands, capable of enclosing the sample location. A sample location shall be established at each of the randomly chosen sites, such that the center of the sampling frame is the random point. The permittee shall clip the biomass 2 inches above ground level within the frame. The biomass to be clipped shall be from all plant species growth whose base lies within the sampling frame. This biomass shall then be weighed and recorded. As each frame is clipped and weighed, the biomass shall be put into a bag for oven drying. Samples shall be oven-dried to a constant weight and reweighed to determine dried weight. All data collected from the clippings within the sampling frame shall be recorded and analyzed.

(b). Whole Area Harvesting. If whole release area harvesting is chosen as the method for data collection, the entire area shall be harvested and the data recorded and analyzed.

iii. If truckloads of bales are weighed for hay production when a whole area is harvested, at least three truckloads from each 100 acres are weighed. Each truckload should have at least three large round bales or 20 square bales. A sample will consist of the average bale weight per truckload. A statistically adequate sample size must be obtained. Multiply the number of hay bales per area by the average bale weight to obtain total production for that area. Total production is then compared to 90 percent of the reference or target yield, using a 90 percent or greater statistical confidence level.

iv. If performing statistical comparisons for hay production when a whole field is harvested, the weights of either 10 percent or 15 bales, whichever is greater, are converted to pounds per acre (lbs/ac) by taking their average weight and multiplying that figure by the total number of bales, divided by the number of acres harvested. Total production is then compared to 90 percent of the reference or target yield, using a 90 percent or greater statistical confidence level.

v. To determine which bales to weigh, randomly select a number from one to ten then count and weigh every tenth bale thereafter until the minimum number or 10 percent of the bales have been weighed. The first and last bale of any noncontiguous field or site should not be weighed. The bales shall be counted, but if the random number falls on either of the two bales mentioned, either advance one bale or select the bale immediately previous to the last bale produced.

3. Sample Adequacy

a. Ground Cover Data

i. Data shall be collected using a multi-staged sampling procedure. During the first stage, an initial minimum number of samples is taken. Using this initial group and applying the formula below, determine the actual number of samples needed.

$$n = (t^2 s^2) / (0.1x)^2$$

Where:

n = minimum number of samples needed;

t<sup>2</sup> = squared t-value from the T-Table;

s<sup>2</sup> = initial estimate of the variance of the release (or reference) area; and

(0.1x)<sup>2</sup> = the level of accuracy expressed as 10 percent of the average cover (note that this term is squared).

ii. If the formula reveals that the required number of samples is equal to or less than the initial minimum number, the initial sampling will satisfy the sampling requirements. If the number of samples needed is greater than the initial minimum number, additional samples must be taken (Stage Two Sampling), as specified by the formula, and n recalculated. This process shall be repeated until sample adequacy is met.

b. Productivity Data

i. Data shall be collected using a multi-staged sampling procedure. During the first stage, an initial minimum number of samples is taken. Using this initial group and applying the formula below, determine the actual number of samples needed.

$$n = (t^2 s^2) / (0.1x)^2$$

(the variance (s<sup>2</sup>) must be based on oven dry weight)

Where:

n = minimum number of samples needed;

t<sup>2</sup> = squared t-value from the T-Table;

s<sup>2</sup> = initial estimate of the variance of the release (or reference) area; and

(0.1x)<sup>2</sup> = the level of accuracy expressed as 10 percent of the average weight (note that this term is squared).

ii. If the formula reveals that the required number of samples have been taken, the initial sampling will satisfy the sampling requirements. If a greater number of samples is needed, additional samples must be taken (Stage Two Sampling), as specified by the formula, and n recalculated. This process shall be repeated until sample adequacy is met.

D. Data Submission and Analysis

1. If the data shows that revegetation success has been met, the permittee shall submit the data to the commissioner for review. Ground cover or production for the release area will be considered successful when it has been measured with an acceptable method, has achieved sample adequacy, and where the average ground cover or production value is equal to or greater than the success standard.

2. When the data indicates that the average ground cover and average forage production was insufficient, but close to the standards, the permittee may submit the data to the commissioner to determine if the production was acceptable when statistically compared to the standards using a t-test at a 90-percent statistical confidence interval.

3. Raw yield data from reclaimed areas and raw data from reference areas must first be oven dried to remove moisture, then adjusted by the parish soil survey average yields before statistical comparisons can be made.

E. Maps

1. When a proposed reclamation phase III release is submitted to the office, it must be accompanied by maps showing:

- a. the location of the area covered by the proposed release;
- b. the location of reference plots; and
- c. all permit boundaries.

2. When data from a previously approved plan is submitted to the office, it must be accompanied by maps showing:

- a. the location of and reference plots;
- b. the location of each sample point;
- c. the area covered by the sampling; and
- d. all permit boundaries.

F. Mitigation Plan

1. Ground cover and forage productivity must equal or exceed the standards for reclamation phase III liability release for at least two sampling years during the second through the fifth years following completion of the last augmented seeding. If productivity is not achieved by these dates, the permittee must submit a mitigation plan to the commissioner that includes the following:

- a. a statement outlining the problem;
- b. a discussion of what practices, beyond normal farming practices, the operator intends to use to enable the area to finally meet the release standards; and
- c. a new phase III release proposal.

2. If renovation, soil substitution or any other practice that constitutes augmentation is employed, the five-year responsibility period shall restart after the mitigation plan is approved and the practices are completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 29:1497 (August 2003).

**§5425. Revegetation: Standards for Success Post-Mining Land Use of Wildlife Habitat**

A. Introduction

1. This Section describes the criteria and procedures for determining ground cover and stocking success for areas developed for wildlife habitat.

2. Pursuant to §5423, ground cover and stocking success on wildlife habitat must be determined on the basis of the following conditions:

- a. general revegetation requirements of the approved permit;
- b. ground cover; and
- c. tree or shrub stocking and survival.

3. The permittee is responsible for measuring and determining ground cover and stocking and submitting this data to the commissioner for evaluation. Procedures for making these determinations are described below.

B. Success Standards and Measurement Frequency

1. Ground Cover

a. Ground cover shall be considered acceptable if it has at least 70 percent density with a 90 percent statistical confidence for the last year of the five year responsibility period.

b. The aggregate of areas with less than 70 percent ground cover must not exceed five percent of the release area. These individual areas must not be larger than 1 acre and must be completely surrounded by desirable vegetation that has a ground cover of not less than 70 percent. Areas void of desirable vegetation may not be larger than 1/4 acre

and must be surrounded by desirable vegetation that has a ground cover of not less than 70 percent.

c. No more than 35 percent of the stand can consist of approved species not listed in the permit.

2. Tree and Shrub Stocking Rate

a. The stocking rate for trees and shrubs shall be determined on a permit-specific basis after consultation and approval by the Louisiana Department of Wildlife and Fisheries. Trees and shrubs that will be used in determining the success of stocking and the adequacy of the plant arrangement shall have utility for the approved post-mining land use. When this requirement is met and acceptable ground cover is achieved, the five-year responsibility period shall begin.

b. Tree and shrub stocking rate shall be sampled once during the last year of the five-year responsibility period. The woody plants established on the revegetated site must be equal to or greater than 90 percent of the stocking rate approved in the permit with 90 percent statistical confidence. Trees and shrubs counted shall be healthy and in place for not less than two growing seasons. At the time of final bond release at least 80 percent of the trees and shrubs used to determine success shall have been in place for 60 percent of the applicable minimum period of responsibility. The permittee must provide documentation of this in the form of paid receipts, reclamation status reports, and normal correspondence.

C. Sampling Procedures

1. Random Sampling

a. To assure that the samples truly represent the vegetative characteristics of the whole release or reference area, the permittee must use methods that will provide:

- i. a random selection of sampling sites,
- ii. a sampling technique unaffected by the sampler's preference, and
- iii. sufficient samples to represent the true mean of the vegetative characteristics.

b. Sampling points shall be randomly located by using a grid overlay on a map of the release or reference area and by choosing horizontal and vertical coordinates. Each sample point must fall within the release or reference area boundaries and be within an area having the vegetative cover type being measured. Additionally, if the release area does not consist of a single unit, at least one sample point must be measured in each noncontiguous unit.

c. The permittee shall notify the office 10 days prior to conducting sampling or other harvesting operations to allow regulatory personnel an opportunity to monitor the sampling procedures.

2. Sampling Techniques

a. Ground Cover. There are several approved methods for measuring ground cover. As stated at §5423.A.1, these are: pin method, point frame method and line intercept method. The first contact, or "hit," of vegetation shall be classified by species as acceptable or unacceptable as follows.

Acceptable	Unacceptable
Vegetation approved in permit	Vegetation not approved in permit
Dead vegetation or litter from acceptable species	Rock or bare ground
Acceptable	Not approved in permit

i. Pin Method. In the pin method, a pinpoint is lowered to the ground. If vegetation is encountered, a hit is recorded. If bare ground is encountered, a miss is recorded. Sample locations are distributed randomly throughout the area to be measured. Percentage of cover is the number of hits divided by the total number of points sampled. Each randomly placed pin is considered one sample unit. An acceptable type of pin method would include recording each pin contact at one-foot intervals along a 100-foot tape. Each randomly placed 100-foot tape would be considered one sample unit.

ii. Point Frame Method. In the point frame method, a group of pinpoints is lowered to the ground. If vegetation is encountered, a hit is recorded. If bare ground is encountered, a miss is recorded. Sample locations are distributed randomly throughout the area to be measured. Percentage of cover is the number of hits divided by the total number of points sampled. Each randomly placed frame is considered one sample unit.

iii. Line Intercept Method. The sampling unit is a tape at least 100 feet long that is stretched from a random starting point in a randomly selected direction. The procedure consists of recording the length of tape underlain by vegetation, then dividing by the total length of tape to obtain the percentage of cover. Each randomly located tape is considered one sampling unit.

b. Sampling Circles (Trees/Shrubs)

i. A sampling circle shall be a round area of known radius. The permittee shall establish a sampling circle at each randomly selected sampling point such that the center of the sampling circle is the random point. Permittee may draw the circle by attaching a string to a stake fixed at the random point and then sweeping the end of the string (tightly stretched) in a circle around the stake. The permittee shall count all living trees and shrubs within each of the sampling circles. In more mature tree/shrub areas, the stakes may need to be extended to elevate the string above the growth.

ii. To count as a living tree or shrub, the tree or shrub must be healthy and must have been in place for at least two years. At the time of liability release, 80 percent must have been in place for three years.

3. Sample Adequacy

a. Ground Cover Data

i. Data shall be collected using a multi-staged sampling procedure. During the first stage, an initial minimum number of samples is taken. Using this initial group and applying the formula below, determine the actual number of samples needed.

$$n = (t^2 s^2) / (0.1x)^2$$

Where:

n = minimum number of samples needed;

t<sup>2</sup> = squared t-value from the T-Table;

s<sup>2</sup> = initial estimate of the variance of the release (or reference) area; and

(0.1x)<sup>2</sup> = the level of accuracy expressed as 10 percent of the average cover (note that this term is squared).

ii. If the formula reveals that the required number of samples have been taken, the initial sampling will satisfy the sampling requirements. If a greater number of samples is

needed, additional samples must be taken (Stage Two Sampling), as specified by the formula, and n recalculated. This process shall be repeated until sample adequacy is met.

b. Sampling Circles (Trees/Shrubs) Data

i. Data shall be collected using a multi-staged sampling procedure. During the first stage, an initial minimum number of samples is taken. Using this initial group and applying the formula below, determine the actual number of samples needed.

$$n = (t^2 s^2) / (0.1x)^2$$

(the variance ( $s^2$ ) must be based on oven dry weight)

Where:

n = minimum number of samples needed;

$t^2$  = squared t-value from the T-Table;

$s^2$  = initial estimate of the variance of the release (or reference) area; and

$(0.1x)^2$  = the level of accuracy expressed as 10 percent of the average weight (note that this term is squared).

ii. If the formula reveals that the required number of samples have been taken, the initial sampling will satisfy the sampling requirements. If a greater number of samples is needed, additional samples must be taken (Stage Two Sampling), as specified by the formula, and n recalculated. This process shall be repeated until sample adequacy is met.

D. Data Submission and Analysis

1. If the data shows that revegetation success has been met, the permittee shall submit the data to the commissioner for review. Ground cover or stocking for the release area will be considered successful when it has been measured with an acceptable method, has achieved sample adequacy, and where the average ground cover or stocking value is equal to or greater than the success standard.

2. When the data indicates that the average ground cover and/or tree and shrub average stocking density is insufficient, but close to the standards, the permittee may submit the data to the Commissioner to determine if the revegetation is acceptable when statistically compared to the standards using a t-test at a 90-percent statistical confidence interval.

E. Maps

1. When a proposed reclamation phase III release is submitted to the office, it must be accompanied by maps showing:

- a. the location of the area covered by the proposed release;
- b. the location of reference plots; and
- c. all permit boundaries.

2. When data from a previously approved plan is submitted to the office, it must be accompanied by maps showing:

- a. the location of each transect and sampling circle location;
- b. the area covered by the sampling; and

- c. all permit boundaries.

F. Mitigation Plan

1. Ground cover must be greater than or equal to 70 percent coverage and tree and shrub stocking must achieve the revegetation standards by the fifth year of the five-year responsibility period. If these standards are not achieved by this date, the permittee must submit a mitigation plan to the commissioner that includes the following:

- a. a statement outlining the problem;
- b. a discussion of what practices, beyond normal agronomic practices, the operator intends to use to enable the area to finally meet the release standards; and
- c. a new Phase III release proposal.

2. If renovation, soil substitution, or any other practice that constitutes augmentation is employed, the five-year responsibility period shall restart after the mitigation plan is approved and the practices are completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 29:1500 (August 2003).

James H. Welsh  
Commissioner

0308#051

**RULE**

**Department of Revenue  
Policy Services Division**

**Individual Income Tax Tables  
(LAC 61:I.1310)**

Under the authority of R.S. 47:295, R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:I.1310 establishing the individual income tax tables based on the individual brackets provided by Act 51 of the 2002 Regular Session of the Louisiana Legislature.

Act 51 amended R.S. 47:295, and provides for the tax brackets. This statutory amendment became effective January 1, 2003, with the passage of the constitutional amendment adopted at the statewide election held November 5, 2002.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the  
Secretary of Revenue**

**Chapter 13. Income: Individual Income Tax Tables  
§1310. Income Tax Tables**

A. Residents. The tax due for resident individuals shall be determined using one of the following tables depending on your filing status.

Single or Married Filing Separately Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
0	4,500	0	0	0	0	0	0	0	0
4,500	4,750	3	0	0	0	0	0	0	0
4,750	5,000	8	0	0	0	0	0	0	0
5,000	5,250	13	0	0	0	0	0	0	0
5,250	5,500	18	0	0	0	0	0	0	0
5,500	5,750	23	3	0	0	0	0	0	0
5,750	6,000	28	8	0	0	0	0	0	0
6,000	6,250	33	13	0	0	0	0	0	0
6,250	6,500	38	18	0	0	0	0	0	0
6,500	6,750	43	23	3	0	0	0	0	0
6,750	7,000	48	28	8	0	0	0	0	0
7,000	7,250	53	33	13	0	0	0	0	0
7,250	7,500	58	38	18	0	0	0	0	0
7,500	7,750	63	43	23	3	0	0	0	0
7,750	8,000	68	48	28	8	0	0	0	0
8,000	8,250	73	53	33	13	0	0	0	0
8,250	8,500	78	58	38	18	0	0	0	0
8,500	8,750	83	63	43	23	3	0	0	0
8,750	9,000	88	68	48	28	8	0	0	0
9,000	9,250	93	73	53	33	13	0	0	0
9,250	9,500	98	78	58	38	18	0	0	0
9,500	9,750	103	83	63	43	23	3	0	0
9,750	10,000	108	88	68	48	28	8	0	0
10,000	10,250	113	93	73	53	33	13	0	0
10,250	10,500	118	98	78	58	38	18	0	0
10,500	10,750	123	103	83	63	43	23	3	0
10,750	11,000	128	108	88	68	48	28	8	0
11,000	11,250	133	113	93	73	53	33	13	0
11,250	11,500	138	118	98	78	58	38	18	0
11,500	11,750	143	123	103	83	63	43	23	3
11,750	12,000	148	128	108	88	68	48	28	8
12,000	12,250	153	133	113	93	73	53	33	13
12,250	12,500	158	138	118	98	78	58	38	18
12,500	12,750	165	145	125	105	85	65	45	25
12,750	13,000	175	155	135	115	95	75	55	35
13,000	13,250	185	165	145	125	105	85	65	45
13,250	13,500	195	175	155	135	115	95	75	55
13,500	13,750	205	185	165	145	125	105	85	65
13,750	14,000	215	195	175	155	135	115	95	75
14,000	14,250	225	205	185	165	145	125	105	85
14,250	14,500	235	215	195	175	155	135	115	95
14,500	14,750	245	225	205	185	165	145	125	105
14,750	15,000	255	235	215	195	175	155	135	115
15,000	15,250	265	245	225	205	185	165	145	125
15,250	15,500	275	255	235	215	195	175	155	135

Single or Married Filing Separately Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
15,500	15,750	285	265	245	225	205	185	165	145
15,750	16,000	295	275	255	235	215	195	175	155
16,000	16,250	305	285	265	245	225	205	185	165
16,250	16,500	315	295	275	255	235	215	195	175
16,500	16,750	325	305	285	265	245	225	205	185
16,750	17,000	335	315	295	275	255	235	215	195
17,000	17,250	345	325	305	285	265	245	225	205
17,250	17,500	355	335	315	295	275	255	235	215
17,500	17,750	365	345	325	305	285	265	245	225
17,750	18,000	375	355	335	315	295	275	255	235
18,000	18,250	385	365	345	325	305	285	265	245
18,250	18,500	395	375	355	335	315	295	275	255
18,500	18,750	405	385	365	345	325	305	285	265
18,750	19,000	415	395	375	355	335	315	295	275
19,000	19,250	425	405	385	365	345	325	305	285
19,250	19,500	435	415	395	375	355	335	315	295
19,500	19,750	445	425	405	385	365	345	325	305
19,750	20,000	455	435	415	395	375	355	335	315
20,000	20,250	465	445	425	405	385	365	345	325
20,250	20,500	475	455	435	415	395	375	355	335
20,500	20,750	485	465	445	425	405	385	365	345
20,750	21,000	495	475	455	435	415	395	375	355
21,000	21,250	505	485	465	445	425	405	385	365
21,250	21,500	515	495	475	455	435	415	395	375
21,500	21,750	525	505	485	465	445	425	405	385
21,750	22,000	535	515	495	475	455	435	415	395
22,000	22,250	545	525	505	485	465	445	425	405
22,250	22,500	555	535	515	495	475	455	435	415
22,500	22,750	565	545	525	505	485	465	445	425
22,750	23,000	575	555	535	515	495	475	455	435
23,000	23,250	585	565	545	525	505	485	465	445
23,250	23,500	595	575	555	535	515	495	475	455
23,500	23,750	605	585	565	545	525	505	485	465
23,750	24,000	615	595	575	555	535	515	495	475
24,000	24,250	625	605	585	565	545	525	505	485
24,250	24,500	635	615	595	575	555	535	515	495
24,500	24,750	645	625	605	585	565	545	525	505
24,750	25,000	655	635	615	595	575	555	535	515
25,000	25,250	668	648	628	608	588	568	548	528
25,250	25,500	683	663	643	623	603	583	563	543
25,500	25,750	698	678	658	638	618	598	578	558
25,750	26,000	713	693	673	653	633	613	593	573
26,000	26,250	728	708	688	668	648	628	608	588
26,250	26,500	743	723	703	683	663	643	623	603
26,500	26,750	758	738	718	698	678	658	638	618

Single or Married Filing Separately Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
26,750	27,000	773	753	733	713	693	673	653	633
27,000	27,250	788	768	748	728	708	688	668	648
27,250	27,500	803	783	763	743	723	703	683	663
27,500	27,750	818	798	778	758	738	718	698	678
27,750	28,000	833	813	793	773	753	733	713	693
28,000	28,250	848	828	808	788	768	748	728	708
28,250	28,500	863	843	823	803	783	763	743	723
28,500	28,750	878	858	838	818	798	778	758	738
28,750	29,000	893	873	853	833	813	793	773	753
29,000	29,250	908	888	868	848	828	808	788	768
29,250	29,500	923	903	883	863	843	823	803	783
29,500	29,750	938	918	898	878	858	838	818	798
29,750	30,000	953	933	913	893	873	853	833	813
30,000	30,250	968	948	928	908	888	868	848	828
30,250	30,500	983	963	943	923	903	883	863	843
30,500	30,750	998	978	958	938	918	898	878	858
30,750	31,000	1,013	993	973	953	933	913	893	873
31,000	31,250	1,028	1,008	988	968	948	928	908	888
31,250	31,500	1,043	1,023	1,003	983	963	943	923	903
31,500	31,750	1,058	1,038	1,018	998	978	958	938	918
31,750	32,000	1,073	1,053	1,033	1,013	993	973	953	933
32,000	32,250	1,088	1,068	1,048	1,028	1,008	988	968	948
32,250	32,500	1,103	1,083	1,063	1,043	1,023	1,003	983	963
32,500	32,750	1,118	1,098	1,078	1,058	1,038	1,018	998	978
32,750	33,000	1,133	1,113	1,093	1,073	1,053	1,033	1,013	993
33,000	33,250	1,148	1,128	1,108	1,088	1,068	1,048	1,028	1,008
33,250	33,500	1,163	1,143	1,123	1,103	1,083	1,063	1,043	1,023
33,500	33,750	1,178	1,158	1,138	1,118	1,098	1,078	1,058	1,038
33,750	34,000	1,193	1,173	1,153	1,133	1,113	1,093	1,073	1,053
34,000	34,250	1,208	1,188	1,168	1,148	1,128	1,108	1,088	1,068
34,250	34,500	1,223	1,203	1,183	1,163	1,143	1,123	1,103	1,083
34,500	34,750	1,238	1,218	1,198	1,178	1,158	1,138	1,118	1,098
34,750	35,000	1,253	1,233	1,213	1,193	1,173	1,153	1,133	1,113
35,000	35,250	1,268	1,248	1,228	1,208	1,188	1,168	1,148	1,128
35,250	35,500	1,283	1,263	1,243	1,223	1,203	1,183	1,163	1,143
35,500	35,750	1,298	1,278	1,258	1,238	1,218	1,198	1,178	1,158
35,750	36,000	1,313	1,293	1,273	1,253	1,233	1,213	1,193	1,173
36,000	36,250	1,328	1,308	1,288	1,268	1,248	1,228	1,208	1,188
36,250	36,500	1,343	1,323	1,303	1,283	1,263	1,243	1,223	1,203
36,500	36,750	1,358	1,338	1,318	1,298	1,278	1,258	1,238	1,218
36,750	37,000	1,373	1,353	1,333	1,313	1,293	1,273	1,253	1,233
37,000	37,250	1,388	1,368	1,348	1,328	1,308	1,288	1,268	1,248
37,250	37,500	1,403	1,383	1,363	1,343	1,323	1,303	1,283	1,263
37,500	37,750	1,418	1,398	1,378	1,358	1,338	1,318	1,298	1,278
37,750	38,000	1,433	1,413	1,393	1,373	1,353	1,333	1,313	1,293

Single or Married Filing Separately Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
Your Louisiana tax is:									
38,000	38,250	1,448	1,428	1,408	1,388	1,368	1,348	1,328	1,308
38,250	38,500	1,463	1,443	1,423	1,403	1,383	1,363	1,343	1,323
38,500	38,750	1,478	1,458	1,438	1,418	1,398	1,378	1,358	1,338
38,750	39,000	1,493	1,473	1,453	1,433	1,413	1,393	1,373	1,353
39,000	39,250	1,508	1,488	1,468	1,448	1,428	1,408	1,388	1,368
39,250	39,500	1,523	1,503	1,483	1,463	1,443	1,423	1,403	1,383
39,500	39,750	1,538	1,518	1,498	1,478	1,458	1,438	1,418	1,398
39,750	40,000	1,553	1,533	1,513	1,493	1,473	1,453	1,433	1,413
40,000	40,250	1,568	1,548	1,528	1,508	1,488	1,468	1,448	1,428
40,250	40,500	1,583	1,563	1,543	1,523	1,503	1,483	1,463	1,443
40,500	40,750	1,598	1,578	1,558	1,538	1,518	1,498	1,478	1,458
40,750	41,000	1,613	1,593	1,573	1,553	1,533	1,513	1,493	1,473
41,000	41,250	1,628	1,608	1,588	1,568	1,548	1,528	1,508	1,488
41,250	41,500	1,643	1,623	1,603	1,583	1,563	1,543	1,523	1,503
41,500	41,750	1,658	1,638	1,618	1,598	1,578	1,558	1,538	1,518
41,750	42,000	1,673	1,653	1,633	1,613	1,593	1,573	1,553	1,533
42,000	42,250	1,688	1,668	1,648	1,628	1,608	1,588	1,568	1,548
42,250	42,500	1,703	1,683	1,663	1,643	1,623	1,603	1,583	1,563
42,500	42,750	1,718	1,698	1,678	1,658	1,638	1,618	1,598	1,578
42,750	43,000	1,733	1,713	1,693	1,673	1,653	1,633	1,613	1,593
43,000	43,250	1,748	1,728	1,708	1,688	1,668	1,648	1,628	1,608
43,250	43,500	1,763	1,743	1,723	1,703	1,683	1,663	1,643	1,623
43,500	43,750	1,778	1,758	1,738	1,718	1,698	1,678	1,658	1,638
43,750	44,000	1,793	1,773	1,753	1,733	1,713	1,693	1,673	1,653
44,000	44,250	1,808	1,788	1,768	1,748	1,728	1,708	1,688	1,668
44,250	44,500	1,823	1,803	1,783	1,763	1,743	1,723	1,703	1,683
44,500	44,750	1,838	1,818	1,798	1,778	1,758	1,738	1,718	1,698
44,750	45,000	1,853	1,833	1,813	1,793	1,773	1,753	1,733	1,713
45,000	45,250	1,868	1,848	1,828	1,808	1,788	1,768	1,748	1,728
45,250	45,500	1,883	1,863	1,843	1,823	1,803	1,783	1,763	1,743
45,500	45,750	1,898	1,878	1,858	1,838	1,818	1,798	1,778	1,758
45,750	46,000	1,913	1,893	1,873	1,853	1,833	1,813	1,793	1,773
46,000	46,250	1,928	1,908	1,888	1,868	1,848	1,828	1,808	1,788
46,250	46,500	1,943	1,923	1,903	1,883	1,863	1,843	1,823	1,803
46,500	46,750	1,958	1,938	1,918	1,898	1,878	1,858	1,838	1,818
46,750	47,000	1,973	1,953	1,933	1,913	1,893	1,873	1,853	1,833
47,000	47,250	1,988	1,968	1,948	1,928	1,908	1,888	1,868	1,848
47,250	47,500	2,003	1,983	1,963	1,943	1,923	1,903	1,883	1,863
47,500	47,750	2,018	1,998	1,978	1,958	1,938	1,918	1,898	1,878
47,750	48,000	2,033	2,013	1,993	1,973	1,953	1,933	1,913	1,893
48,000	48,250	2,048	2,028	2,008	1,988	1,968	1,948	1,928	1,908
48,250	48,500	2,063	2,043	2,023	2,003	1,983	1,963	1,943	1,923
48,500	48,750	2,078	2,058	2,038	2,018	1,998	1,978	1,958	1,938
48,750	49,000	2,093	2,073	2,053	2,033	2,013	1,993	1,973	1,953
49,000	49,250	2,108	2,088	2,068	2,048	2,028	2,008	1,988	1,968



Single or Married Filing Separately Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
<b>Your Louisiana tax is:</b>									
49,250	49,500	2,123	2,103	2,083	2,063	2,043	2,023	2,003	1,983
49,500	49,750	2,138	2,118	2,098	2,078	2,058	2,038	2,018	1,998
49,750	50,000	2,153	2,133	2,113	2,093	2,073	2,053	2,033	2,013
50,000	50,250	2,168	2,148	2,128	2,108	2,088	2,068	2,048	2,028
50,250	50,500	2,183	2,163	2,143	2,123	2,103	2,083	2,063	2,043
50,500	50,750	2,198	2,178	2,158	2,138	2,118	2,098	2,078	2,058
50,750	51,000	2,213	2,193	2,173	2,153	2,133	2,113	2,093	2,073
<b>Plus 6% of tax table income in excess of \$51,000</b>									

Married Filing Jointly or Qualifying Widow(er) Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	2	3	4	5	6	7	8	
<b>Your Louisiana tax is:</b>									
0	9,000	0	0	0	0	0	0	0	0
9,000	9,250	3	0	0	0	0	0	0	0
9,250	9,500	8	0	0	0	0	0	0	0
9,500	9,750	13	0	0	0	0	0	0	0
9,750	10,000	18	0	0	0	0	0	0	0
10,000	10,250	23	3	0	0	0	0	0	0
10,250	10,500	28	8	0	0	0	0	0	0
10,500	10,750	33	13	0	0	0	0	0	0
10,750	11,000	38	18	0	0	0	0	0	0
11,000	11,250	43	23	3	0	0	0	0	0
11,250	11,500	48	28	8	0	0	0	0	0
11,500	11,750	53	33	13	0	0	0	0	0
11,750	12,000	58	38	18	0	0	0	0	0
12,000	12,250	63	43	23	3	0	0	0	0
12,250	12,500	68	48	28	8	0	0	0	0
12,500	12,750	73	53	33	13	0	0	0	0
12,750	13,000	78	58	38	18	0	0	0	0
13,000	13,250	83	63	43	23	3	0	0	0
13,250	13,500	88	68	48	28	8	0	0	0
13,500	13,750	93	73	53	33	13	0	0	0
13,750	14,000	98	78	58	38	18	0	0	0
14,000	14,250	103	83	63	43	23	3	0	0
14,250	14,500	108	88	68	48	28	8	0	0
14,500	14,750	113	93	73	53	33	13	0	0
14,750	15,000	118	98	78	58	38	18	0	0
15,000	15,250	123	103	83	63	43	23	3	0
15,250	15,500	128	108	88	68	48	28	8	0
15,500	15,750	133	113	93	73	53	33	13	0
15,750	16,000	138	118	98	78	58	38	18	0
16,000	16,250	143	123	103	83	63	43	23	0
16,250	16,500	148	128	108	88	68	48	28	0
16,500	16,750	153	133	113	93	73	53	33	0

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisiana tax is:						
16,750	17,000	158	138	118	98	78	58	38
17,000	17,250	163	143	123	103	83	63	43
17,250	17,500	168	148	128	108	88	68	48
17,500	17,750	173	153	133	113	93	73	53
17,750	18,000	178	158	138	118	98	78	58
18,000	18,250	183	163	143	123	103	83	63
18,250	18,500	188	168	148	128	108	88	68
18,500	18,750	193	173	153	133	113	93	73
18,750	19,000	198	178	158	138	118	98	78
19,000	19,250	203	183	163	143	123	103	83
19,250	19,500	208	188	168	148	128	108	88
19,500	19,750	213	193	173	153	133	113	93
19,750	20,000	218	198	178	158	138	118	98
20,000	20,250	223	203	183	163	143	123	103
20,250	20,500	228	208	188	168	148	128	108
20,500	20,750	233	213	193	173	153	133	113
20,750	21,000	238	218	198	178	158	138	118
21,000	21,250	243	223	203	183	163	143	123
21,250	21,500	248	228	208	188	168	148	128
21,500	21,750	253	233	213	193	173	153	133
21,750	22,000	258	238	218	198	178	158	138
22,000	22,250	263	243	223	203	183	163	143
22,250	22,500	268	248	228	208	188	168	148
22,500	22,750	273	253	233	213	193	173	153
22,750	23,000	278	258	238	218	198	178	158
23,000	23,250	283	263	243	223	203	183	163
23,250	23,500	288	268	248	228	208	188	168
23,500	23,750	293	273	253	233	213	193	173
23,750	24,000	298	278	258	238	218	198	178
24,000	24,250	303	283	263	243	223	203	183
24,250	24,500	308	288	268	248	228	208	188
24,500	24,750	313	293	273	253	233	213	193
24,750	25,000	318	298	278	258	238	218	198
25,000	25,250	325	305	285	265	245	225	205
25,250	25,500	335	315	295	275	255	235	215
25,500	25,750	345	325	305	285	265	245	225
25,750	26,000	355	335	315	295	275	255	235
26,000	26,250	365	345	325	305	285	265	245
26,250	26,500	375	355	335	315	295	275	255
26,500	26,750	385	365	345	325	305	285	265
26,750	27,000	395	375	355	335	315	295	275
27,000	27,250	405	385	365	345	325	305	285
27,250	27,500	415	395	375	355	335	315	295
27,500	27,750	425	405	385	365	345	325	305
27,750	28,000	435	415	395	375	355	335	315

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
Your Louisiana tax is:								
28,000	28,250	445	425	405	385	365	345	325
28,250	28,500	455	435	415	395	375	355	335
28,500	28,750	465	445	425	405	385	365	345
28,750	29,000	475	455	435	415	395	375	355
29,000	29,250	485	465	445	425	405	385	365
29,250	29,500	495	475	455	435	415	395	375
29,500	29,750	505	485	465	445	425	405	385
29,750	30,000	515	495	475	455	435	415	395
30,000	30,250	525	505	485	465	445	425	405
30,250	30,500	535	515	495	475	455	435	415
30,500	30,750	545	525	505	485	465	445	425
30,750	31,000	555	535	515	495	475	455	435
31,000	31,250	565	545	525	505	485	465	445
31,250	31,500	575	555	535	515	495	475	455
31,500	31,750	585	565	545	525	505	485	465
31,750	32,000	595	575	555	535	515	495	475
32,000	32,250	605	585	565	545	525	505	485
32,250	32,500	615	595	575	555	535	515	495
32,500	32,750	625	605	585	565	545	525	505
32,750	33,000	635	615	595	575	555	535	515
33,000	33,250	645	625	605	585	565	545	525
33,250	33,500	655	635	615	595	575	555	535
33,500	33,750	665	645	625	605	585	565	545
33,750	34,000	675	655	635	615	595	575	555
34,000	34,250	685	665	645	625	605	585	565
34,250	34,500	695	675	655	635	615	595	575
34,500	34,750	705	685	665	645	625	605	585
34,750	35,000	715	695	675	655	635	615	595
35,000	35,250	725	705	685	665	645	625	605
35,250	35,500	735	715	695	675	655	635	615
35,500	35,750	745	725	705	685	665	645	625
35,750	36,000	755	735	715	695	675	655	635
36,000	36,250	765	745	725	705	685	665	645
36,250	36,500	775	755	735	715	695	675	655
36,500	36,750	785	765	745	725	705	685	665
36,750	37,000	795	775	755	735	715	695	675
37,000	37,250	805	785	765	745	725	705	685
37,250	37,500	815	795	775	755	735	715	695
37,500	37,750	825	805	785	765	745	725	705
37,750	38,000	835	815	795	775	755	735	715
38,000	38,250	845	825	805	785	765	745	725
38,250	38,500	855	835	815	795	775	755	735
38,500	38,750	865	845	825	805	785	765	745
38,750	39,000	875	855	835	815	795	775	755
39,000	39,250	885	865	845	825	805	785	765

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisiana tax is:						
39,250	39,500	895	875	855	835	815	795	775
39,500	39,750	905	885	865	845	825	805	785
39,750	40,000	915	895	875	855	835	815	795
40,000	40,250	925	905	885	865	845	825	805
40,250	40,500	935	915	895	875	855	835	815
40,500	40,750	945	925	905	885	865	845	825
40,750	41,000	955	935	915	895	875	855	835
41,000	41,250	965	945	925	905	885	865	845
41,250	41,500	975	955	935	915	895	875	855
41,500	41,750	985	965	945	925	905	885	865
41,750	42,000	995	975	955	935	915	895	875
42,000	42,250	1,005	985	965	945	925	905	885
42,250	42,500	1,015	995	975	955	935	915	895
42,500	42,750	1,025	1,005	985	965	945	925	905
42,750	43,000	1,035	1,015	995	975	955	935	915
43,000	43,250	1,045	1,025	1,005	985	965	945	925
43,250	43,500	1,055	1,035	1,015	995	975	955	935
43,500	43,750	1,065	1,045	1,025	1,005	985	965	945
43,750	44,000	1,075	1,055	1,035	1,015	995	975	955
44,000	44,250	1,085	1,065	1,045	1,025	1,005	985	965
44,250	44,500	1,095	1,075	1,055	1,035	1,015	995	975
44,500	44,750	1,105	1,085	1,065	1,045	1,025	1,005	985
44,750	45,000	1,115	1,095	1,075	1,055	1,035	1,015	995
45,000	45,250	1,125	1,105	1,085	1,065	1,045	1,025	1,005
45,250	45,500	1,135	1,115	1,095	1,075	1,055	1,035	1,015
45,500	45,750	1,145	1,125	1,105	1,085	1,065	1,045	1,025
45,750	46,000	1,155	1,135	1,115	1,095	1,075	1,055	1,035
46,000	46,250	1,165	1,145	1,125	1,105	1,085	1,065	1,045
46,250	46,500	1,175	1,155	1,135	1,115	1,095	1,075	1,055
46,500	46,750	1,185	1,165	1,145	1,125	1,105	1,085	1,065
46,750	47,000	1,195	1,175	1,155	1,135	1,115	1,095	1,075
47,000	47,250	1,205	1,185	1,165	1,145	1,125	1,105	1,085
47,250	47,500	1,215	1,195	1,175	1,155	1,135	1,115	1,095
47,500	47,750	1,225	1,205	1,185	1,165	1,145	1,125	1,105
47,750	48,000	1,235	1,215	1,195	1,175	1,155	1,135	1,115
48,000	48,250	1,245	1,225	1,205	1,185	1,165	1,145	1,125
48,250	48,500	1,255	1,235	1,215	1,195	1,175	1,155	1,135
48,500	48,750	1,265	1,245	1,225	1,205	1,185	1,165	1,145
48,750	49,000	1,275	1,255	1,235	1,215	1,195	1,175	1,155
49,000	49,250	1,285	1,265	1,245	1,225	1,205	1,185	1,165
49,250	49,500	1,295	1,275	1,255	1,235	1,215	1,195	1,175
49,500	49,750	1,305	1,285	1,265	1,245	1,225	1,205	1,185
49,750	50,000	1,315	1,295	1,275	1,255	1,235	1,215	1,195
50,000	50,250	1,328	1,308	1,288	1,268	1,248	1,228	1,208
50,250	50,500	1,343	1,323	1,303	1,283	1,263	1,243	1,223

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
Your Louisiana tax is:								
50,500	50,750	1,358	1,338	1,318	1,298	1,278	1,258	1,238
50,750	51,000	1,373	1,353	1,333	1,313	1,293	1,273	1,253
51,000	51,250	1,388	1,368	1,348	1,328	1,308	1,288	1,268
51,250	51,500	1,403	1,383	1,363	1,343	1,323	1,303	1,283
51,500	51,750	1,418	1,398	1,378	1,358	1,338	1,318	1,298
51,750	52,000	1,433	1,413	1,393	1,373	1,353	1,333	1,313
52,000	52,250	1,448	1,428	1,408	1,388	1,368	1,348	1,328
52,250	52,500	1,463	1,443	1,423	1,403	1,383	1,363	1,343
52,500	52,750	1,478	1,458	1,438	1,418	1,398	1,378	1,358
52,750	53,000	1,493	1,473	1,453	1,433	1,413	1,393	1,373
53,000	53,250	1,508	1,488	1,468	1,448	1,428	1,408	1,388
53,250	53,500	1,523	1,503	1,483	1,463	1,443	1,423	1,403
53,500	53,750	1,538	1,518	1,498	1,478	1,458	1,438	1,418
53,750	54,000	1,553	1,533	1,513	1,493	1,473	1,453	1,433
54,000	54,250	1,568	1,548	1,528	1,508	1,488	1,468	1,448
54,250	54,500	1,583	1,563	1,543	1,523	1,503	1,483	1,463
54,500	54,750	1,598	1,578	1,558	1,538	1,518	1,498	1,478
54,750	55,000	1,613	1,593	1,573	1,553	1,533	1,513	1,493
55,000	55,250	1,628	1,608	1,588	1,568	1,548	1,528	1,508
55,250	55,500	1,643	1,623	1,603	1,583	1,563	1,543	1,523
55,500	55,750	1,658	1,638	1,618	1,598	1,578	1,558	1,538
55,750	56,000	1,673	1,653	1,633	1,613	1,593	1,573	1,553
56,000	56,250	1,688	1,668	1,648	1,628	1,608	1,588	1,568
56,250	56,500	1,703	1,683	1,663	1,643	1,623	1,603	1,583
56,500	56,750	1,718	1,698	1,678	1,658	1,638	1,618	1,598
56,750	57,000	1,733	1,713	1,693	1,673	1,653	1,633	1,613
57,000	57,250	1,748	1,728	1,708	1,688	1,668	1,648	1,628
57,250	57,500	1,763	1,743	1,723	1,703	1,683	1,663	1,643
57,500	57,750	1,778	1,758	1,738	1,718	1,698	1,678	1,658
57,750	58,000	1,793	1,773	1,753	1,733	1,713	1,693	1,673
58,000	58,250	1,808	1,788	1,768	1,748	1,728	1,708	1,688
58,250	58,500	1,823	1,803	1,783	1,763	1,743	1,723	1,703
58,500	58,750	1,838	1,818	1,798	1,778	1,758	1,738	1,718
58,750	59,000	1,853	1,833	1,813	1,793	1,773	1,753	1,733
59,000	59,250	1,868	1,848	1,828	1,808	1,788	1,768	1,748
59,250	59,500	1,883	1,863	1,843	1,823	1,803	1,783	1,763
59,500	59,750	1,898	1,878	1,858	1,838	1,818	1,798	1,778
59,750	60,000	1,913	1,893	1,873	1,853	1,833	1,813	1,793
60,000	60,250	1,928	1,908	1,888	1,868	1,848	1,828	1,808
60,250	60,500	1,943	1,923	1,903	1,883	1,863	1,843	1,823
60,500	60,750	1,958	1,938	1,918	1,898	1,878	1,858	1,838
60,750	61,000	1,973	1,953	1,933	1,913	1,893	1,873	1,853
61,000	61,250	1,988	1,968	1,948	1,928	1,908	1,888	1,868
61,250	61,500	2,003	1,983	1,963	1,943	1,923	1,903	1,883
61,500	61,750	2,018	1,998	1,978	1,958	1,938	1,918	1,898

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
Your Louisiana tax is:								
61,750	62,000	2,033	2,013	1,993	1,973	1,953	1,933	1,913
62,000	62,250	2,048	2,028	2,008	1,988	1,968	1,948	1,928
62,250	62,500	2,063	2,043	2,023	2,003	1,983	1,963	1,943
62,500	62,750	2,078	2,058	2,038	2,018	1,998	1,978	1,958
62,750	63,000	2,093	2,073	2,053	2,033	2,013	1,993	1,973
63,000	63,250	2,108	2,088	2,068	2,048	2,028	2,008	1,988
63,250	63,500	2,123	2,103	2,083	2,063	2,043	2,023	2,003
63,500	63,750	2,138	2,118	2,098	2,078	2,058	2,038	2,018
63,750	64,000	2,153	2,133	2,113	2,093	2,073	2,053	2,033
64,000	64,250	2,168	2,148	2,128	2,108	2,088	2,068	2,048
64,250	64,500	2,183	2,163	2,143	2,123	2,103	2,083	2,063
64,500	64,750	2,198	2,178	2,158	2,138	2,118	2,098	2,078
64,750	65,000	2,213	2,193	2,173	2,153	2,133	2,113	2,093
65,000	65,250	2,228	2,208	2,188	2,168	2,148	2,128	2,108
65,250	65,500	2,243	2,223	2,203	2,183	2,163	2,143	2,123
65,500	65,750	2,258	2,238	2,218	2,198	2,178	2,158	2,138
65,750	66,000	2,273	2,253	2,233	2,213	2,193	2,173	2,153
66,000	66,250	2,288	2,268	2,248	2,228	2,208	2,188	2,168
66,250	66,500	2,303	2,283	2,263	2,243	2,223	2,203	2,183
66,500	66,750	2,318	2,298	2,278	2,258	2,238	2,218	2,198
66,750	67,000	2,333	2,313	2,293	2,273	2,253	2,233	2,213
67,000	67,250	2,348	2,328	2,308	2,288	2,268	2,248	2,228
67,250	67,500	2,363	2,343	2,323	2,303	2,283	2,263	2,243
67,500	67,750	2,378	2,358	2,338	2,318	2,298	2,278	2,258
67,750	68,000	2,393	2,373	2,353	2,333	2,313	2,293	2,273
68,000	68,250	2,408	2,388	2,368	2,348	2,328	2,308	2,288
68,250	68,500	2,423	2,403	2,383	2,363	2,343	2,323	2,303
68,500	68,750	2,438	2,418	2,398	2,378	2,358	2,338	2,318
68,750	69,000	2,453	2,433	2,413	2,393	2,373	2,353	2,333
69,000	69,250	2,468	2,448	2,428	2,408	2,388	2,368	2,348
69,250	69,500	2,483	2,463	2,443	2,423	2,403	2,383	2,363
69,500	69,750	2,498	2,478	2,458	2,438	2,418	2,398	2,378
69,750	70,000	2,513	2,493	2,473	2,453	2,433	2,413	2,393
70,000	70,250	2,528	2,508	2,488	2,468	2,448	2,428	2,408
70,250	70,500	2,543	2,523	2,503	2,483	2,463	2,443	2,423
70,500	70,750	2,558	2,538	2,518	2,498	2,478	2,458	2,438
70,750	71,000	2,573	2,553	2,533	2,513	2,493	2,473	2,453
71,000	71,250	2,588	2,568	2,548	2,528	2,508	2,488	2,468
71,250	71,500	2,603	2,583	2,563	2,543	2,523	2,503	2,483
71,500	71,750	2,618	2,598	2,578	2,558	2,538	2,518	2,498
71,750	72,000	2,633	2,613	2,593	2,573	2,553	2,533	2,513
72,000	72,250	2,648	2,628	2,608	2,588	2,568	2,548	2,528
72,250	72,500	2,663	2,643	2,623	2,603	2,583	2,563	2,543
72,500	72,750	2,678	2,658	2,638	2,618	2,598	2,578	2,558
72,750	73,000	2,693	2,673	2,653	2,633	2,613	2,593	2,573

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
Your Louisiana tax is:								
73,000	73,250	2,708	2,688	2,668	2,648	2,628	2,608	2,588
73,250	73,500	2,723	2,703	2,683	2,663	2,643	2,623	2,603
73,500	73,750	2,738	2,718	2,698	2,678	2,658	2,638	2,618
73,750	74,000	2,753	2,733	2,713	2,693	2,673	2,653	2,633
74,000	74,250	2,768	2,748	2,728	2,708	2,688	2,668	2,648
74,250	74,500	2,783	2,763	2,743	2,723	2,703	2,683	2,663
74,500	74,750	2,798	2,778	2,758	2,738	2,718	2,698	2,678
74,750	75,000	2,813	2,793	2,773	2,753	2,733	2,713	2,693
75,000	75,250	2,828	2,808	2,788	2,768	2,748	2,728	2,708
75,250	75,500	2,843	2,823	2,803	2,783	2,763	2,743	2,723
75,500	75,750	2,858	2,838	2,818	2,798	2,778	2,758	2,738
75,750	76,000	2,873	2,853	2,833	2,813	2,793	2,773	2,753
76,000	76,250	2,888	2,868	2,848	2,828	2,808	2,788	2,768
76,250	76,500	2,903	2,883	2,863	2,843	2,823	2,803	2,783
76,500	76,750	2,918	2,898	2,878	2,858	2,838	2,818	2,798
76,750	77,000	2,933	2,913	2,893	2,873	2,853	2,833	2,813
77,000	77,250	2,948	2,928	2,908	2,888	2,868	2,848	2,828
77,250	77,500	2,963	2,943	2,923	2,903	2,883	2,863	2,843
77,500	77,750	2,978	2,958	2,938	2,918	2,898	2,878	2,858
77,750	78,000	2,993	2,973	2,953	2,933	2,913	2,893	2,873
78,000	78,250	3,008	2,988	2,968	2,948	2,928	2,908	2,888
78,250	78,500	3,023	3,003	2,983	2,963	2,943	2,923	2,903
78,500	78,750	3,038	3,018	2,998	2,978	2,958	2,938	2,918
78,750	79,000	3,053	3,033	3,013	2,993	2,973	2,953	2,933
79,000	79,250	3,068	3,048	3,028	3,008	2,988	2,968	2,948
79,250	79,500	3,083	3,063	3,043	3,023	3,003	2,983	2,963
79,500	79,750	3,098	3,078	3,058	3,038	3,018	2,998	2,978
79,750	80,000	3,113	3,093	3,073	3,053	3,033	3,013	2,993
80,000	80,250	3,128	3,108	3,088	3,068	3,048	3,028	3,008
80,250	80,500	3,143	3,123	3,103	3,083	3,063	3,043	3,023
80,500	80,750	3,158	3,138	3,118	3,098	3,078	3,058	3,038
80,750	81,000	3,173	3,153	3,133	3,113	3,093	3,073	3,053
81,000	81,250	3,188	3,168	3,148	3,128	3,108	3,088	3,068
81,250	81,500	3,203	3,183	3,163	3,143	3,123	3,103	3,083
81,500	81,750	3,218	3,198	3,178	3,158	3,138	3,118	3,098
81,750	82,000	3,233	3,213	3,193	3,173	3,153	3,133	3,113
82,000	82,250	3,248	3,228	3,208	3,188	3,168	3,148	3,128
82,250	82,500	3,263	3,243	3,223	3,203	3,183	3,163	3,143
82,500	82,750	3,278	3,258	3,238	3,218	3,198	3,178	3,158
82,750	83,000	3,293	3,273	3,253	3,233	3,213	3,193	3,173
83,000	83,250	3,308	3,288	3,268	3,248	3,228	3,208	3,188
83,250	83,500	3,323	3,303	3,283	3,263	3,243	3,223	3,203
83,500	83,750	3,338	3,318	3,298	3,278	3,258	3,238	3,218
83,750	84,000	3,353	3,333	3,313	3,293	3,273	3,253	3,233
84,000	84,250	3,368	3,348	3,328	3,308	3,288	3,268	3,248

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
Your Louisiana tax is:								
84,250	84,500	3,383	3,363	3,343	3,323	3,303	3,283	3,263
84,500	84,750	3,398	3,378	3,358	3,338	3,318	3,298	3,278
84,750	85,000	3,413	3,393	3,373	3,353	3,333	3,313	3,293
85,000	85,250	3,428	3,408	3,388	3,368	3,348	3,328	3,308
85,250	85,500	3,443	3,423	3,403	3,383	3,363	3,343	3,323
85,500	85,750	3,458	3,438	3,418	3,398	3,378	3,358	3,338
85,750	86,000	3,473	3,453	3,433	3,413	3,393	3,373	3,353
86,000	86,250	3,488	3,468	3,448	3,428	3,408	3,388	3,368
86,250	86,500	3,503	3,483	3,463	3,443	3,423	3,403	3,383
86,500	86,750	3,518	3,498	3,478	3,458	3,438	3,418	3,398
86,750	87,000	3,533	3,513	3,493	3,473	3,453	3,433	3,413
87,000	87,250	3,548	3,528	3,508	3,488	3,468	3,448	3,428
87,250	87,500	3,563	3,543	3,523	3,503	3,483	3,463	3,443
87,500	87,750	3,578	3,558	3,538	3,518	3,498	3,478	3,458
87,750	88,000	3,593	3,573	3,553	3,533	3,513	3,493	3,473
88,000	88,250	3,608	3,588	3,568	3,548	3,528	3,508	3,488
88,250	88,500	3,623	3,603	3,583	3,563	3,543	3,523	3,503
88,500	88,750	3,638	3,618	3,598	3,578	3,558	3,538	3,518
88,750	89,000	3,653	3,633	3,613	3,593	3,573	3,553	3,533
89,000	89,250	3,668	3,648	3,628	3,608	3,588	3,568	3,548
89,250	89,500	3,683	3,663	3,643	3,623	3,603	3,583	3,563
89,500	89,750	3,698	3,678	3,658	3,638	3,618	3,598	3,578
89,750	90,000	3,713	3,693	3,673	3,653	3,633	3,613	3,593
90,000	90,250	3,728	3,708	3,688	3,668	3,648	3,628	3,608
90,250	90,500	3,743	3,723	3,703	3,683	3,663	3,643	3,623
90,500	90,750	3,758	3,738	3,718	3,698	3,678	3,658	3,638
90,750	91,000	3,773	3,753	3,733	3,713	3,693	3,673	3,653
91,000	91,250	3,788	3,768	3,748	3,728	3,708	3,688	3,668
91,250	91,500	3,803	3,783	3,763	3,743	3,723	3,703	3,683
91,500	91,750	3,818	3,798	3,778	3,758	3,738	3,718	3,698
91,750	92,000	3,833	3,813	3,793	3,773	3,753	3,733	3,713
92,000	92,250	3,848	3,828	3,808	3,788	3,768	3,748	3,728
92,250	92,500	3,863	3,843	3,823	3,803	3,783	3,763	3,743
92,500	92,750	3,878	3,858	3,838	3,818	3,798	3,778	3,758
92,750	93,000	3,893	3,873	3,853	3,833	3,813	3,793	3,773
93,000	93,250	3,908	3,888	3,868	3,848	3,828	3,808	3,788
93,250	93,500	3,923	3,903	3,883	3,863	3,843	3,823	3,803
93,500	93,750	3,938	3,918	3,898	3,878	3,858	3,838	3,818
93,750	94,000	3,953	3,933	3,913	3,893	3,873	3,853	3,833
94,000	94,250	3,968	3,948	3,928	3,908	3,888	3,868	3,848
94,250	94,500	3,983	3,963	3,943	3,923	3,903	3,883	3,863
94,500	94,750	3,998	3,978	3,958	3,938	3,918	3,898	3,878
94,750	95,000	4,013	3,993	3,973	3,953	3,933	3,913	3,893
95,000	95,250	4,028	4,008	3,988	3,968	3,948	3,928	3,908
95,250	95,500	4,043	4,023	4,003	3,983	3,963	3,943	3,923



<b>Married Filing Jointly or Qualifying Widow(er) Filing Status</b>									
<b>If Your Louisiana Tax Table Income:</b>		<b>And the total exemptions claimed is:</b>							
<b>At Least</b>	<b>Less Than</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>8</b>
		<b>Your Louisiana tax is:</b>							
95,500	95,750	4,058	4,038	4,018	3,998	3,978	3,958	3,938	3,938
95,750	96,000	4,073	4,053	4,033	4,013	3,993	3,973	3,953	3,953
96,000	96,250	4,088	4,068	4,048	4,028	4,008	3,988	3,968	3,968
96,250	96,500	4,103	4,083	4,063	4,043	4,023	4,003	3,983	3,983
96,500	96,750	4,118	4,098	4,078	4,058	4,038	4,018	3,998	3,998
96,750	97,000	4,133	4,113	4,093	4,073	4,053	4,033	4,013	4,013
97,000	97,250	4,148	4,128	4,108	4,088	4,068	4,048	4,028	4,028
97,250	97,500	4,163	4,143	4,123	4,103	4,083	4,063	4,043	4,043
97,500	97,750	4,178	4,158	4,138	4,118	4,098	4,078	4,058	4,058
97,750	98,000	4,193	4,173	4,153	4,133	4,113	4,093	4,073	4,073
98,000	98,250	4,208	4,188	4,168	4,148	4,128	4,108	4,088	4,088
98,250	98,500	4,223	4,203	4,183	4,163	4,143	4,123	4,103	4,103
98,500	98,750	4,238	4,218	4,198	4,178	4,158	4,138	4,118	4,118
98,750	99,000	4,253	4,233	4,213	4,193	4,173	4,153	4,133	4,133
99,000	99,250	4,268	4,248	4,228	4,208	4,188	4,168	4,148	4,148
99,250	99,500	4,283	4,263	4,243	4,223	4,203	4,183	4,163	4,163
99,500	99,750	4,298	4,278	4,258	4,238	4,218	4,198	4,178	4,178
99,750	100,000	4,313	4,293	4,273	4,253	4,233	4,213	4,193	4,193
100,000	100,250	4,328	4,308	4,288	4,268	4,248	4,228	4,208	4,208
100,250	100,500	4,343	4,323	4,303	4,283	4,263	4,243	4,223	4,223
100,500	100,750	4,358	4,338	4,318	4,298	4,278	4,258	4,238	4,238
100,750	101,000	4,373	4,353	4,333	4,313	4,293	4,273	4,253	4,253
<b>Plus 6% of tax table income in excess of \$101,000</b>									

<b>Head of Household Filing Status</b>									
<b>If Your Louisiana Tax Table Income:</b>		<b>And the total exemptions claimed is:</b>							
<b>At Least</b>	<b>Less Than</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
		<b>Your Louisiana tax is:</b>							
0	9,000	0	0	0	0	0	0	0	0
9,000	9,250	3	0	0	0	0	0	0	0
9,250	9,500	8	0	0	0	0	0	0	0
9,500	9,750	13	0	0	0	0	0	0	0
9,750	10,000	18	0	0	0	0	0	0	0
10,000	10,250	23	3	0	0	0	0	0	0
10,250	10,500	28	8	0	0	0	0	0	0
10,500	10,750	33	13	0	0	0	0	0	0
10,750	11,000	38	18	0	0	0	0	0	0
11,000	11,250	43	23	3	0	0	0	0	0
11,250	11,500	48	28	8	0	0	0	0	0
11,500	11,750	53	33	13	0	0	0	0	0
11,750	12,000	58	38	18	0	0	0	0	0
12,000	12,250	63	43	23	3	0	0	0	0
12,250	12,500	68	48	28	8	0	0	0	0
12,500	12,750	75	55	35	15	0	0	0	0
12,750	13,000	85	65	45	25	0	0	0	0

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
13,000	13,250	95	75	55	35	5	0	0	0
13,250	13,500	105	85	65	45	15	0	0	0
13,500	13,750	115	95	75	55	25	0	0	0
13,750	14,000	125	105	85	65	35	0	0	0
14,000	14,250	135	115	95	75	45	5	0	0
14,250	14,500	145	125	105	85	55	15	0	0
14,500	14,750	155	135	115	95	65	25	0	0
14,750	15,000	165	145	125	105	75	35	0	0
15,000	15,250	175	155	135	115	85	45	5	0
15,250	15,500	185	165	145	125	95	55	15	0
15,500	15,750	195	175	155	135	105	65	25	0
15,750	16,000	205	185	165	145	115	75	35	0
16,000	16,250	215	195	175	155	125	85	45	5
16,250	16,500	225	205	185	165	135	95	55	15
16,500	16,750	235	215	195	175	145	105	65	25
16,750	17,000	245	225	205	185	155	115	75	35
17,000	17,250	255	235	215	195	165	125	85	45
17,250	17,500	265	245	225	205	175	135	95	55
17,500	17,750	275	255	235	215	185	145	105	65
17,750	18,000	285	265	245	225	195	155	115	75
18,000	18,250	295	275	255	235	205	165	125	85
18,250	18,500	305	285	265	245	215	175	135	95
18,500	18,750	315	295	275	255	225	185	145	105
18,750	19,000	325	305	285	265	235	195	155	115
19,000	19,250	335	315	295	275	245	205	165	125
19,250	19,500	345	325	305	285	255	215	175	135
19,500	19,750	355	335	315	295	265	225	185	145
19,750	20,000	365	345	325	305	275	235	195	155
20,000	20,250	375	355	335	315	285	245	205	165
20,250	20,500	385	365	345	325	295	255	215	175
20,500	20,750	395	375	355	335	305	265	225	185
20,750	21,000	405	385	365	345	315	275	235	195
21,000	21,250	415	395	375	355	325	285	245	205
21,250	21,500	425	405	385	365	335	295	255	215
21,500	21,750	435	415	395	375	345	305	265	225
21,750	22,000	445	425	405	385	355	315	275	235
22,000	22,250	455	435	415	395	365	325	285	245
22,250	22,500	465	445	425	405	375	335	295	255
22,500	22,750	475	455	435	415	385	345	305	265
22,750	23,000	485	465	445	425	395	355	315	275
23,000	23,250	495	475	455	435	405	365	325	285
23,250	23,500	505	485	465	445	415	375	335	295
23,500	23,750	515	495	475	455	425	385	345	305
23,750	24,000	525	505	485	465	435	395	355	315
24,000	24,250	535	515	495	475	445	405	365	325

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
24,250	24,500	545	525	505	485	455	415	375	335
24,500	24,750	555	535	515	495	465	425	385	345
24,750	25,000	565	545	525	505	485	435	395	355
25,000	25,250	578	558	538	518	488	448	408	368
25,250	25,500	593	573	553	533	503	463	423	383
25,500	25,750	608	588	568	548	518	478	438	398
25,750	26,000	623	603	583	563	533	493	453	413
26,000	26,250	638	618	598	578	548	508	468	428
26,250	26,500	653	633	613	593	563	523	483	443
26,500	26,750	668	648	628	608	578	538	498	458
26,750	27,000	683	663	643	623	593	553	513	473
27,000	27,250	698	678	658	638	608	568	528	488
27,250	27,500	713	693	673	653	623	583	543	503
27,500	27,750	728	708	688	668	638	598	558	518
27,750	28,000	743	723	703	683	653	613	573	533
28,000	28,250	758	738	718	698	668	628	588	548
28,250	28,500	773	753	733	713	683	643	603	563
28,500	28,750	788	768	748	728	698	658	618	578
28,750	29,000	803	783	763	743	713	673	633	593
29,000	29,250	818	798	778	758	728	688	648	608
29,250	29,500	833	813	793	773	743	703	663	623
29,500	29,750	848	828	808	788	758	718	678	638
29,750	30,000	863	843	823	803	773	733	693	653
30,000	30,250	878	858	838	818	788	748	708	668
30,250	30,500	893	873	853	833	803	763	723	683
30,500	30,750	908	888	868	848	818	778	738	698
30,750	31,000	923	903	883	863	833	793	753	713
31,000	31,250	938	918	898	878	848	808	768	728
31,250	31,500	953	933	913	893	863	823	783	743
31,500	31,750	968	948	928	908	878	838	798	758
31,750	32,000	983	963	943	923	893	853	813	773
32,000	32,250	998	978	958	938	908	868	828	788
32,250	32,500	1,013	993	973	953	923	883	843	803
32,500	32,750	1,028	1,008	988	968	938	898	858	818
32,750	33,000	1,043	1,023	1,003	983	953	913	873	833
33,000	33,250	1,058	1,038	1,018	998	968	928	888	848
33,250	33,500	1,073	1,053	1,033	1,013	983	943	903	863
33,500	33,750	1,088	1,068	1,048	1,028	998	958	918	878
33,750	34,000	1,103	1,083	1,063	1,043	1,013	973	933	893
34,000	34,250	1,118	1,098	1,078	1,058	1,028	988	948	908
34,250	34,500	1,133	1,113	1,093	1,073	1,043	1,003	963	923
34,500	34,750	1,148	1,128	1,108	1,088	1,058	1,018	978	938
34,750	35,000	1,163	1,143	1,123	1,103	1,073	1,033	993	953
35,000	35,250	1,178	1,158	1,138	1,118	1,088	1,048	1,008	968
35,250	35,500	1,193	1,173	1,153	1,133	1,103	1,063	1,023	983

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
35,500	35,750	1,208	1,188	1,168	1,148	1,118	1,078	1,038	998
35,750	36,000	1,223	1,203	1,183	1,163	1,133	1,093	1,053	1,013
36,000	36,250	1,238	1,218	1,198	1,178	1,148	1,108	1,068	1,028
36,250	36,500	1,253	1,233	1,213	1,193	1,163	1,123	1,083	1,043
36,500	36,750	1,268	1,248	1,228	1,208	1,178	1,138	1,098	1,058
36,750	37,000	1,283	1,263	1,243	1,223	1,193	1,153	1,113	1,073
37,000	37,250	1,298	1,278	1,258	1,238	1,208	1,168	1,128	1,088
37,250	37,500	1,313	1,293	1,273	1,253	1,223	1,183	1,143	1,103
37,500	37,750	1,328	1,308	1,288	1,268	1,238	1,198	1,158	1,118
37,750	38,000	1,343	1,323	1,303	1,283	1,253	1,213	1,173	1,133
38,000	38,250	1,358	1,338	1,318	1,298	1,268	1,228	1,188	1,148
38,250	38,500	1,373	1,353	1,333	1,313	1,283	1,243	1,203	1,163
38,500	38,750	1,388	1,368	1,348	1,328	1,298	1,258	1,218	1,178
38,750	39,000	1,403	1,383	1,363	1,343	1,313	1,273	1,233	1,193
39,000	39,250	1,418	1,398	1,378	1,358	1,328	1,288	1,248	1,208
39,250	39,500	1,433	1,413	1,393	1,373	1,343	1,303	1,263	1,223
39,500	39,750	1,448	1,428	1,408	1,388	1,358	1,318	1,278	1,238
39,750	40,000	1,463	1,443	1,423	1,403	1,373	1,333	1,293	1,253
40,000	40,250	1,478	1,458	1,438	1,418	1,388	1,348	1,308	1,268
40,250	40,500	1,493	1,473	1,453	1,433	1,403	1,363	1,323	1,283
40,500	40,750	1,508	1,488	1,468	1,448	1,418	1,378	1,338	1,298
40,750	41,000	1,523	1,503	1,483	1,463	1,433	1,393	1,353	1,313
41,000	41,250	1,538	1,518	1,498	1,478	1,448	1,408	1,368	1,328
41,250	41,500	1,553	1,533	1,513	1,493	1,463	1,423	1,383	1,343
41,500	41,750	1,568	1,548	1,528	1,508	1,478	1,438	1,398	1,358
41,750	42,000	1,583	1,563	1,543	1,523	1,493	1,453	1,413	1,373
42,000	42,250	1,598	1,578	1,558	1,538	1,508	1,468	1,428	1,388
42,250	42,500	1,613	1,593	1,573	1,553	1,523	1,483	1,443	1,403
42,500	42,750	1,628	1,608	1,588	1,568	1,538	1,498	1,458	1,418
42,750	43,000	1,643	1,623	1,603	1,583	1,553	1,513	1,473	1,433
43,000	43,250	1,658	1,638	1,618	1,598	1,568	1,528	1,488	1,448
43,250	43,500	1,673	1,653	1,633	1,613	1,583	1,543	1,503	1,463
43,500	43,750	1,688	1,668	1,648	1,628	1,598	1,558	1,518	1,478
43,750	44,000	1,703	1,683	1,663	1,643	1,613	1,573	1,533	1,493
44,000	44,250	1,718	1,698	1,678	1,658	1,628	1,588	1,548	1,508
44,250	44,500	1,733	1,713	1,693	1,673	1,643	1,603	1,563	1,523
44,500	44,750	1,748	1,728	1,708	1,688	1,658	1,618	1,578	1,538
44,750	45,000	1,763	1,743	1,723	1,703	1,673	1,633	1,593	1,553
45,000	45,250	1,778	1,758	1,738	1,718	1,688	1,648	1,608	1,568
45,250	45,500	1,793	1,773	1,753	1,733	1,703	1,663	1,623	1,583
45,500	45,750	1,808	1,788	1,768	1,748	1,718	1,678	1,638	1,598
45,750	46,000	1,823	1,803	1,783	1,763	1,733	1,693	1,653	1,613
46,000	46,250	1,838	1,818	1,798	1,778	1,748	1,708	1,668	1,628
46,250	46,500	1,853	1,833	1,813	1,793	1,763	1,723	1,683	1,643
46,500	46,750	1,868	1,848	1,828	1,808	1,778	1,738	1,698	1,658

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
<b>Your Louisiana tax is:</b>									
46,750	47,000	1,883	1,863	1,843	1,823	1,793	1,753	1,713	1,673
47,000	47,250	1,898	1,878	1,858	1,838	1,808	1,768	1,728	1,688
47,250	47,500	1,913	1,893	1,873	1,853	1,823	1,783	1,743	1,703
47,500	47,750	1,928	1,908	1,888	1,868	1,838	1,798	1,758	1,718
47,750	48,000	1,943	1,923	1,903	1,883	1,853	1,813	1,773	1,733
48,000	48,250	1,958	1,938	1,918	1,898	1,868	1,828	1,788	1,748
48,250	48,500	1,973	1,953	1,933	1,913	1,883	1,843	1,803	1,763
48,500	48,750	1,988	1,968	1,948	1,928	1,898	1,858	1,818	1,778
48,750	49,000	2,003	1,983	1,963	1,943	1,913	1,873	1,833	1,793
49,000	49,250	2,018	1,998	1,978	1,958	1,928	1,888	1,848	1,808
49,250	49,500	2,033	2,013	1,993	1,973	1,943	1,903	1,863	1,823
49,500	49,750	2,048	2,028	2,008	1,988	1,958	1,918	1,878	1,838
49,750	50,000	2,063	2,043	2,023	2,003	1,973	1,933	1,893	1,853
50,000	50,250	2,078	2,058	2,038	2,018	1,988	1,948	1,908	1,868
50,250	50,500	2,093	2,073	2,053	2,033	2,003	1,963	1,923	1,883
50,500	50,750	2,108	2,088	2,068	2,048	2,018	1,978	1,938	1,898
50,750	51,000	2,123	2,103	2,083	2,063	2,033	1,993	1,953	1,913
<b>Plus 6% of tax table income in excess of \$51,000</b>									

B. Nonresidents and Part-Year Residents. Compute tax table income as defined in R.S. 47:293(7). Reduce the tax table income by the total amount of personal exemptions and deductions allowed for in R.S. 47:294, and increase the tax table income by the proportionate share of those personal exemptions and deductions as provided by R.S. 47:293(7). The resulting amount is considered taxable income. The tax due for nonresidents and part-year residents shall be determined using one of the following tables depending on your filing status:

1. Married Individuals Filing Joint Returns and Qualified Surviving Spouses

If taxable income is	The tax is:
Not over \$25,000	2 percent of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over \$25,000 but not over \$50,000	\$500 plus 4 percent of the excess over \$25,000. This amount is to be reduced by 2 percent of the first \$25,000 of the proportionate share of personal exemptions and deductions and 4% of the proportionate share of personal exemptions and deductions over \$25,000.

Over \$50,000	\$1,500 plus 6% of the excess over \$50,000. This amount is to be reduced by 2 percent of the first \$25,000 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over \$25,000 but not over \$50,000 and 6 percent of the proportionate share of personal exemptions and deductions over \$50,000.
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2. Single Individuals and Married Individuals Filing Separate Returns

If taxable income is	The tax is:
Not over \$12,500	2 percent of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over \$12,500 but not over \$25,000	\$250 plus 4 percent of the excess over \$12,500. This amount is to be reduced by 2 percent of the first \$12,500 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over \$12,500.

Over \$25,000	\$750 plus 6 percent of the excess over \$25,000. This amount is to be reduced by 2 percent of the first \$12,500 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over \$12,500 but not over \$25,000 and 6 percent of the proportionate share of personal exemptions and deductions over \$25,000.
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3. Head of Households

If taxable income is:	The tax is:
Not over \$12,500	2 percent of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over \$12,500 but not over \$25,000	\$250 plus 4 percent of the excess over \$12,500. This amount is to be reduced by 2 percent of the first \$12,500 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over \$12,500.
Over \$25,000	\$750 plus 6 percent of the excess over \$25,000. This amount is to be reduced by 2 percent of the first \$12,500 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over \$12,500 but not over \$25,000 and 6 percent of the proportionate share of personal exemptions and deductions over \$25,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, LR 29:1502 (August 2003).

Cynthia Bridges  
Secretary

0308#012

**RULE**

**Department of Revenue  
Policy Services Division**

Surplus and Undivided Profits (LAC 61:I.305)

Under the authority of R.S. 47:605(C), R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.305 relative to reserves and assets.

**Title 61  
REVENUE AND TAXATION  
Part I. Taxes Collected and Administered  
by the Secretary of Revenue  
Chapter 3. Corporation Franchise Tax  
§305. Surplus and Undivided Profits**

A. - C.4. ...

D. For purposes of this Chapter, reserves include all accounts appearing on the books of a corporation that represent amounts payable or potentially payable to others. However, the term reserves shall not include accounts included in capital stock as used in R.S. 47:604 and shall not include accounts that represent indebtedness, regardless of maturity date, as indebtedness is used in R.S. 47:603.

E. For purposes of this Chapter, the term assets shall mean all of a corporation's property and rights of every kind. The definition of the term assets for corporation franchise tax purposes may differ from the definition of assets for general accounting purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:605 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), amended by the Department of Revenue, Policy Services Division LR 28:1995 (September 2002), LR 29:1520 (August 2003).

Cynthia Bridges  
Secretary

0308#013

**RULE**

**Department of Revenue  
Policy Services Division**

Various Exemptions from the Tax  
(LAC 61:I.4401)

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4401 relative to the sales tax exemption set forth in Article VII, Section 2.2 of the Constitution of Louisiana and R.S. 47:305(D) regarding food for home consumption.

This Rule provides guidance as to which food items are taxable and which are exempt under the Constitutional and Statutory provisions.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered**

**by the Secretary of Revenue**

**Chapter 44. Sales and Use Tax Exemptions**

**§4401. Various Exemptions from the Tax**

A. - F. ...

1. R.S. 47:305(D) provides an exemption from state sales tax upon the sale at retail of food sold for preparation and consumption in the home as well as for some other expressed types of food sales. For this purpose, meat, fish, milk, butter, eggs, bread, vegetables, fruit and their juices, canned goods, oleo, coffee and its substitutes, soft drinks, tea, cocoa and products of these items, bakery products, candy, condiments, relishes and spreads, are all considered food items. Items such as flour, sugar, salt, spices, shortening, flavoring and oil that are generally purchased for use as ingredients in other food items constitute food. Items considered to be food are not limited to the examples set forth above. The listing is not all inclusive.

2. Alcoholic beverages, malt beverages and beer; tobacco products; distilled water, water in bottles, carbonated water, ice and "dry ice" are not considered to be food. Medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts are also not considered to be food.

**Dietary Supplements** Any product, other than tobacco, intended to supplement the diet that:

i. contains one or more of the following dietary ingredients:

- (a). a vitamin;
- (b). a mineral;
- (c). an herb or other botanical;
- (d). an amino acid;
- (e). a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(f). a concentrate, metabolite, constituent, extract, or combination of any ingredients described in Subclauses (a) - (e) above; and

ii. is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

iii. is required to be labeled as a dietary supplement, which is identifiable by the fact that the product contains a "Supplemental Facts" box on the label.

3. "Food for home consumption" as used in R.S. 47:305(D)(1)(n) does not include "prepared food."

**Prepared Food**

i. food sold in a heated state or heated by the seller;

ii. two or more food ingredients mixed or combined by the seller for sale as a single item, which does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and food containing these raw animal foods requiring cooking by the consumer in order to prevent food borne illnesses; or

iii. food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.

4. Notwithstanding language to the contrary in Paragraph F.3, bakery products, dairy products, soft drinks, fresh fruits and vegetables, and package foods requiring further preparation by the purchaser are considered "food for home consumption" unless sold by an establishment listed in R.S. 47:305(D)(3). However, soft drinks that are sold with a cup, glass or straw are not considered "food for home consumption."

5. Sales of meals furnished to the staff and students of educational institutions including kindergartens; the staff and patients of hospitals; the staff, inmates and patients of mental institutions; boarders of rooming houses; and occasional meals furnished in connection with or by educational, religious or medical organizations are exempt from the taxes imposed by this Chapter, provided the meals are consumed on the premises where purchased. Sales of food by any of these institutions or organizations in facilities open to outsiders or to the general public are not exempt from the

taxes imposed by this Chapter, and tax should be charged on the entire gross receipts, rather than just the receipts from the outsiders or the general public.

6. Facilities for the consumption of food on the premises as discussed in R.S. 47:305(D)(3) include not only inside facilities, but also outside facilities, including parking facilities.

7. Purchases of food items by stores, institutions and organizations can be purchased without payment of the advance sales tax provided the ultimate retail sale or consumption of the food is exempt from taxes imposed by this Chapter. Regardless of the type of purchaser, if a majority of the food purchased and disposed is taxable under the established rules, advance sales tax must be paid by the purchaser.

G. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 29:1520 (August 2003).

Raymond E. Tangney  
Senior Policy Consultant

0308#022

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**2003-2004 Resident Game Hunting Seasons  
(LAC 76:XIX.103)**

Editor's Note: Subsection C of Section 103 is being repromulgated to correct a printing error. This Rule may be viewed in its entirety on pages 1122-1123 of the July 2003 edition of the *Louisiana Register*.

The Wildlife and Fisheries Commission has amended Rules and regulations governing the hunting of resident game birds and game quadrupeds.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part XIX. Hunting and WMA Regulations**

**Chapter 1. Resident Game Hunting Season**

**§103. Resident Game Birds and Animals 2003-2004**

A. - B. ...

\*\*\*

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 15- Nov. 21 Jan. 19-Jan. 25	Nov. 22-Dec.5 Jan. 5-Jan. 18	Dec. 6- Jan. 4
2	Oct. 1-Jan. 31	Oct. 25-Oct. 31 Jan. 10-Jan. 16	Nov. 1-Dec. 5	Dec. 6- Jan. 9
3	Sept. 13- Jan. 15	Oct. 4-Oct. 10 Dec. 1-Dec. 5	Oct. 11-Nov.30 Dec. 6-Dec.31	
4	Oct. 1-Jan. 31	Nov. 8- Nov. 14 Jan. 10-Jan. 18	Nov.15-Jan. 9	

5	Oct. 1-Jan. 31	Nov. 15-Nov. 21 Dec. 26-Jan. 1 Bucks Only	Nov.28- Dec.14	
6	Oct. 1-Jan. 31	Nov. 15-Nov. 21 Jan. 19-Jan. 25	Nov.22-Dec.5	Dec. 6- Jan.18
7	Oct. 1-Jan. 31	Oct. 11-Oct. 17 Nov. 8- Nov. 14	Oct.18-Nov. 7 Nov.15- Nov.30	Dec. 1- Dec.31
8	Sept. 13- Jan. 15	Oct. 4-Oct. 10 Dec. 1-Dec. 5	Oct.11-Nov.30	Dec. 6- Dec.31

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), amended LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003).

Terry D. Denmon  
Chairman

0308#027

### **RULE**

#### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **General and Wildlife Management Area (WMA) Hunting (LAC 76:XIX.111)**

Editor's Note: Paragraph C.3 of Section 111 is being repromulgated to correct a printing error. This Rule may be viewed in its entirety on pages 1124-1135 of the July 2003 edition of the *Louisiana Register*.

The Wildlife and Fisheries Commission has amended Rules and regulations governing the hunting of resident game birds and game quadrupeds.

### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part XIX. Hunting and WMA Regulations**

#### **Chapter 1. Resident Game Hunting Season**

#### **§111. General and Wildlife Management Area Hunting Rules and Regulations**

A. - C.2. ...

3. Nutria. On WMAs and private property nutria may be taken recreationally from September 1 through February 29 during legal shooting hours by any legal hunting method with no limit except if taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Pelting or selling of carcasses is illegal except when taken by a licensed trapper during the trapping season. Trespass upon private property without consent for the purpose of taking nutria is punishable by fines and possible jail time (R.S. 56:265).

C.4. - G.17.xx. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003).

Terry D. Denmon  
Chairman

0308#028



# Notices of Intent

## NOTICE OF INTENT

### Department of Economic Development Office of Business Development

#### Industrial Ad Valorem Tax Exemption Program (LAC 13:I.513)

The Department of Economic Development, Office of Business Development, pursuant to the authority of R.S. 51:1786(5) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend the following Rule of the Industrial Ad Valorem Tax Exemption Program. The purpose of the amendment is to enhance Louisiana's competitiveness in the retention and growth of existing manufacturing operations within our state.

#### Title 13

#### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 5. Industrial Ad Valorem Tax Exemption Program

#### §513. Relocations (Rule 7)

A. A manufacturing establishment moved from one location in the state to another place within the state shall be eligible for the unexpired consecutive years, if any, of the tax exemption contract granted the original location. Exemption may be granted at the new location on those costs of necessary replacements which are in excess of the original cost at the prior facility.

B. Capital additions for remodeling an existing manufacturing facility may be exempted. If replacements are made, only the capital expenditures in excess of original cost shall be eligible for tax exemption. A deduction for the original cost of property to be replaced shall not be made if the project will contribute to additional employment in the state of at least 499 new jobs and the capital additions exceed \$50,000.

C. Exemption may be granted on the cost of rebuilding partially or completely damaged facility, but only on the amount in excess of the original cost.

D. Original costs, deducted from replacements made or rebuilding, shall be clearly identifiable on the records of the manufacturer.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Adopted by the State Board of Commerce and Industry, December 9, 1946. amended and promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 20:866 (August 1994), amended by the Department of Economic Development, Office of Business Development, LR 29:

#### Family Impact Statement

The proposed amendments to Rules 13:I. Chapter 5 Industrial Ad Valorem Tax Exemption Program should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability

and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons should submit written comments on the proposed Rules to Daryl Manning through the close of business on September 20, 2003, at Post Office Box 94185, Baton Rouge, LA 70804-9185; 1051 North Third Street, Baton Rouge, LA 70802; by e-mail: manning@lded.state.la.us; or by FAX: (225) 342-9448.

Don J. Hutchinson  
Secretary

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Industrial Ad Valorem Tax Exemption Program

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no additional implementation costs incurred by the Department of Economic Development. All additional workload will be absorbed and performed by existing staff.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Assuming a capital investment of \$200,000,000 and creation of 700 new jobs paying an average of \$50,000 there will be a net increase in total state and local taxes generated of approximately \$8,600,000 over a ten-year period from the direct employment within the hypothetical facility.

This net ten-year increase results from an average annual decrease in local property taxes of \$3,056,000, an average increase of \$1,400,000 in local taxes that result from employee spending and an average increase of \$2,100,000 in state general fund dollars that also result from employee spending. The ten-year impact of state and local taxes assumes a 2.5 percent annual growth in salaries.

Note: This estimate uses the statewide average millage of 101.87. Additionally, if indirect employment is taken into account the total ten-year net impact could exceed \$90,000,000.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule change is not expected to create any additional costs to persons or non-governmental groups. However, due to requirement that more than 499 new jobs be created for this clause of the Rule to apply, there will be considerable benefits to individuals within various regions of the state who will be provided wages by the company making application for the tax relief. Based on the example of 700 jobs at an average salary of \$50,000 the impact would be \$35,000,000 in annual payroll.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The purpose of the Rule change is to enhance Louisiana's competitiveness as we fight to retain and grow existing manufacturing operations within our state. The Rule is crafted such that the company using this clause is required to create at least 500 new jobs and this will have a significant impact on local and state economies. Given the fact there a few labor intensive manufacturing operations in our state this Rule should not have a detrimental effect on neighboring companies within Louisiana.

Don Hutchinson  
Secretary  
0308#094

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Economic Development  
Office of the Secretary  
and  
Office of the Governor  
Office of Financial Institutions**

Capital Companies Tax Credit Program (CAPCO)  
(LAC 10:XV.303-313 and 317-320)

The Louisiana Department of Economic Development (herein referred to as DED) and the Office of Financial Institutions (herein referred to as OFI), pursuant to the authority of R.S. 51:1921 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby give notice of their intention to amend the Capital Companies Tax Credit Program. The proposed amendments are being promulgated to incorporate legislative changes and provide guidance with respect to changes in policy.

**Title 10**

**FINANCIAL INSTITUTIONS, CONSUMER CREDIT,  
INVESTMENT SECURITIES AND UCC**

**Part XV. Other Regulated Entities**

**Chapter 3. Capital Companies Tax Credit Program**

**§303. Definitions Provided by Rule**

A. - A. *Affiliate and/or Affiliated Company*. b.i. ...

ii. when used with respect to a qualified Louisiana business, *affiliate* means a legal entity that directly, or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, a qualified Louisiana business;

c. for purposes of R.S. 22:1068(E)(2)(c), a *group of affiliates* shall mean a person and not less than all affiliates of such person.

*Allowable Organization Costs* ~~repealed.~~

\*\*\*

*Capitalization* ~~for~~ purposes of initial certification, pursuant to R.S. 51:1925(B):

a. *Generally Accepted Accounting Principles (GAAP) Capital* ~~common~~ stock, preferred stock, general partnership interests, limited partnership interests, surplus and any other equivalent ownership interest, all of which shall be exchanged for cash; undivided profits or loss which shall be reduced by a fully-funded loan loss reserve; contingency or other capital reserves and minority interests; less all organization costs;

b. - c. ...

\*\*\*

*Date Certified, Newly Certified or Designated as a Certified Louisiana Capital Company* ~~the~~ date that the commissioner notifies a CAPCO of its certification.

*Date on Which an Investment Pool Transaction Closes* ~~the~~ date that a CAPCO designates, and notifies the commissioner of such designated date, that it has received an investment of certified capital in an investment pool. For purposes of this definition, an investment pool transaction may not close prior to:

a. - b. ...

\*\*\*

*Headquartered in Louisiana* ~~at~~ least 80 percent of the total employees of such business shall be domiciled in the state of Louisiana and that at least 80 percent of the payroll of such business be paid to such employees. In addition, the business shall have its primary place of business in Louisiana.

*Investment* ~~C~~

a. - a.ii. ...

iii. notwithstanding the above, an investment shall also include debt instruments which are obligations of the investing insurance company to a certified Louisiana capital company. Such debt instruments shall be converted into cash at a rate of not less than 10 percent per year from the date of the investment and said first installment shall be made within 15 days of the certification of capital and then annually on or before the anniversary date of the certification of capital;

iv. - iv.(a). ...

(b). invested in qualified investments made subsequent to the investment date of the investment pool; or

(c). a combination of §303.A. *Investment*. a.iv.(a) and (b).

b.i. an *Investment* furthers economic development within Louisiana. If the proceeds from an investment are used in a manner consistent with representations contained in the affidavit required to be obtained from the qualified Louisiana business prior to an investment in the business and the documented use of such proceeds promote Louisiana economic development. Proceeds shall be determined to promote Louisiana economic development if more than 50 percent of the proceeds derived from the investment are used by the qualified Louisiana business for two or more of the following purposes:

(a). to hire significantly more Louisiana employees;

(b). to directly purchase or lease furniture, fixtures, land or equipment that will be used in the Louisiana operations of the business or to construct or expand production or operating facilities located in Louisiana. This does not include the purchase of these assets as part of a buyout of a company;

(c). to purchase inventory for resale from Louisiana-based operations or outlets;

(d). to capitalize a business in order for the business to secure future debt financing to support the Louisiana operations of the business;

(e). to increase or preserve working capital and/or cash flows for Louisiana operations of the business. However, except as allowed in Subclause (d) above, this does not include those investments whereby the proceeds of

the investment will be utilized to refinance existing debt of the business;

(f). to preserve or expand Louisiana corporate headquarters operations. Preserve means a company that is in danger of failing or contemplating a move out-of-state;

(g). to support research and development or technological development within Louisiana;

(h). to fund start-up businesses that will operate primarily in Louisiana; or

(i). to provide for an additional economic benefit not otherwise described above. However, before this purpose may be used as a basis for a determination that the investment furthers economic development within Louisiana, the CAPCO shall request in writing and the commissioner shall issue a written response to the CAPCO that, based upon relevant facts and circumstances, the proposed investment will further Louisiana economic purposes and result in a significant net benefit to the state. The commissioner's letter opinion shall be issued within 30 days of the request by the CAPCO, and shall be part of the annual review required to be performed by the department and billed according to provisions contained in §307.D. However, upon written notification to the CAPCO, the 30-day period can be extended by the commissioner if he determines that the initial information submitted is insufficient or incomplete for such determination;

ii. an investment by a CAPCO in interim construction financing shall not be considered to further economic development within Louisiana.

\* \* \*

**Operates Primarily in Louisiana** A business operates primarily in Louisiana if, at the time of the initial investment, the business is in good standing with the Louisiana Secretary of State, if applicable, and meets one or more of the following:

a. - d. ...

Note: For investments made utilizing certified capital raised during 2002 or 2003, Subparagraph c is superseded by R.S. 51:1923(13)(a)(i) which requires that at least 80 percent of the total employees of such business shall be domiciled in the state of Louisiana and that at least 80 percent of the payroll of such business be paid to such employees. Therefore, in addition to meeting this new 80 percent test, in order for the business to be deemed to operate primarily in Louisiana, one or more of Subparagraphs a, b or d must be met.

\* \* \*

**Performs Substantially All of Its Production in Louisiana** A business performs substantially all of its production in Louisiana if:

a. - b. ...

Note: For investments made utilizing certified capital raised during 2002 or 2003, R.S. 51:1923(13)(a)(i) adds a new requirement that at least 80 percent of the total employees of such business shall be domiciled in the state of Louisiana and that at least 80 percent of the payroll of such business be paid to such employees. Therefore, in addition to meeting this new 80 percent test, in order for the business to be deemed to perform substantially all of its production in Louisiana, this new 80 percent test must be met in addition to Subparagraphs a and b.

**Permissible Investments** For purposes of R.S. 51:1926(B), cash deposited with a federally-insured financial institution; certificates of deposit in

federally-insured financial institutions; investment securities that are obligations of the United States, its agencies or instrumentalities, or obligations that are guaranteed fully as to principal and interest by the United States; investment-grade instruments (rated in the top four rating categories by a nationally recognized rating organization); obligations of any state, municipality or of any political subdivision thereof; or any other investments approved in advance and in writing by the commissioner. No investment shall have a maturity of greater than one year.

\* \* \*

**Total Certified Capital Under Management** For purposes of investment limits, pursuant to R.S. 51:1926(B):

a. GAAP Capital: common stock, preferred stock, general partnership interests, limited partnership interests, surplus and other equivalent ownership interests, all of which shall be exchanged for cash and is available for investment in qualified investments; undivided profits or loss which shall be reduced by a fully-funded loan loss reserve; contingency or other capital reserves and minority interests; reduced by all organization costs.

b. - c.i. ...

d. The portion of an investment that is guaranteed by the United States Small Business Administration or the United States Department of Agriculture's Business and Industry Guaranteed Loan Program shall be excluded from the amount of the investment when determining the investment limit pursuant to R.S. 51:1926(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1933.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 15:1051 (December 1989), LR 18:251 (March 1992), amended by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), LR 23:1128 (September 1997), LR 25:1216 (July 1999), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### §305. Income and Premium Tax Credits

A. - B.6. ...

C.1. The total income tax credits granted pursuant to R.S. 51:1924.A in any calendar year shall not result in an additional reduction of total income tax revenues of greater than \$2,000,000 per year.

2. During any calendar year in which this Subsection will limit the amount of certified capital for which income tax credits are allowed, certified capital for which income tax credits are allowed will be allocated among Louisiana certified capital companies. Requests for allocation shall be prepared for filing not later than December first on a form prescribed by the commissioner which form shall include an affidavit by the investor pursuant to which such investor shall become legally bound and irrevocably committed to make an investment of certified capital in a certified Louisiana capital company subject only to receipt of allocation pursuant to this Subsection. Any requests for allocation filed with the commissioner before December first of any calendar year shall be deemed to have been filed on December first of such year. Requests for allocation shall be allocated as followed.

a. When aggregate requests for allocation by certified Louisiana capital company groups do not exceed \$5,714,285.71, all requests for allocation shall be approved by the department.

b. When aggregate requests for allocation exceed \$5,714,285.71, each certified Louisiana capital company group shall be entitled to receive an allocation to be calculated by dividing \$5,714,285.71 by the number of certified Louisiana capital company groups requesting an allocation. In the event that this allocation results in one or more certified Louisiana capital company groups receiving an allocation in excess of the amount which was requested, the excess shall be reallocated to the remaining certified Louisiana capital company groups on an equal basis until the entirety of the allocation has been fully distributed.

3. ...

4. Annually within 10 days of December first, the commissioner shall review all requests for allocation of income tax credits and notify the certified Louisiana capital companies of the amount of certified capital for which income tax credits are allowed to the investors in such company. During this 10 day period, each CAPCO or CAPCO group may allow for the substitution of one investor for another investor when the initial investor is unable or unwilling to complete the proposed investment.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1924, 1927, 1928 and 1929, and R.S. 22:1068(E).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended LR 12:664 (October 1986), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 15:1050 (December 1989), LR 16:762 (September 1990), amended by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), LR 23:1132 (September 1997), LR 25:1216 (July 1999), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **§307. Application Fees; Other Fees**

A. ...

B. An application fee of \$5,000 shall be submitted with the application. Checks should be payable to the Office of Financial Institutions.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1925, 1927 and 1929.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 12:664 (October 1986), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 15:1050 (December 1989), amended by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), LR 23:1133 (September 1997), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **§309. Application Process**

A. A company organized and existing under the laws of Louisiana, created for the purpose of making qualified investments, as required in R.S. 51:1921 et seq., shall make written application for certification to the commissioner on application forms provided by the office.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1925 and 1929.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended LR 12:664 (October 1986), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 15:1050 (December 1989), amended by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), LR 23:1133 (September 1997), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **§311. Conditions of Certification**

A. - A.1. ...

2. At least 30 days prior to the sale or redemption of stock, partnership interests, other equivalent ownership interests or debentures constituting 10 percent or more of the then outstanding shares, partnership interests, other equivalent ownership interests or debentures, the CAPCO will provide a written notification to the office. Information, as determined by the commissioner, shall be submitted with the notification. If the commissioner does not object to the notification within 30 days of the receipt, the notification shall be deemed approved.

3. - 8. ...

B.1. If a CAPCO contemplates any public or private securities offerings, prior to the certification of any tax benefits resulting from the certified capital raised through such offerings, the CAPCO shall have a securities attorney provide a written opinion that the company is in compliance with Louisiana securities laws, federal securities laws, and the securities laws of any other states where the offerings have closed. Copies of all offering materials to be used in investor solicitations must be submitted to the office at least 30 days prior to investor solicitation.

2. If a CAPCO seeks to certify capital pursuant to §303.A. *Investment.a.iii*, the CAPCO shall submit to the commissioner documentation showing the proposed structure in sufficient detail to allow this office to determine that the proposed structure complies with all applicable laws and regulations. This information shall be submitted to the commissioner no later than 30 days prior to a request for certification of capital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1925 and 1929.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), amended, LR 23:1134 (September 1997), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **§313. Requirements for Continuance of Certification and Decertification**

A. ...

1. The numerator for the investment pool shall be:  
a. 100 percent of the sum of all qualified investments made on or after the investment date of the investment pool that are held for a minimum of 1 year; and

b. ...

2. For purposes of the calculation of the numerator:  
a. no qualified investment may be counted more than once;  
b. the date the investment of cash is made determines whether the one-year date is achieved. For

multiple fundings, each funding must be held for one year to received 100 percent treatment.

A.3. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1926, 1929 and 1933.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 15:1050 (December 1989), LR 18:251 (March 1992), amended by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), LR 23:1134 (September 1997), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **§317. CAPCO Report and Record Requirements**

A. Reporting Requirements. Pursuant to R.S. 51:1926(F)(2), CAPCOs are required to submit to the commissioner reports of selected information for each qualified investment made in the previous calendar year. Senate Concurrent Resolution Number 40 of the 1996 Regular Session also requires that the department determine the economic development impact of the CAPCO Program on the state. In order to provide such a report to the Senate, economic information for each company in which a CAPCO has invested shall be obtained and reported to the commissioner by each CAPCO. Such reports shall be submitted on forms provided or approved by OFI.

B. ...

C. No information contained in the report of examination may be disclosed to investors or shareholders. The report of examination is the property of the Office of Financial Institutions and is furnished to the CAPCO for use by management and the board of directors/managers. Therefore, the release of any information contained in the report of examination is considered a violation of R.S. 51:1934.

D. All CAPCOS shall prepare quarterly financial statements which shall include a balance sheet, an income statement, and a statement of cash flows.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1926 and 1929.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 15:1050 (December 1989), LR 18:251 (March 1992), amended by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), LR 23:1135 (September 1997), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **§319. Change of Control**

A. In the event of a change of control of a certified Louisiana capital company, at least 30 days prior to the effective date, the CAPCO shall provide written notification to the commissioner of the proposed transaction. Unless additional information is required, the commissioner shall review the information submitted and shall issue either an approval or denial of the change of control within 30 days of the receipt of the notification.

B. Information to be included in the notification shall include:

1. a completed biographical and financial statement on each new owner;

2. a copy of the proposed business plan of the new owners covering a three year period;

3. a discussion of the previous experience the proposed owner has in the field of venture capital;

4. a credit report on each new owner;

5. a listing of any changes to the board of directors and/or of the CAPCO;

6. a copy of any legal documents or agreements relating to the transfer, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1926 and 1929.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **§320. Investment in Approved Funds**

A. Any certified Louisiana capital company that has capital certified pursuant to R.S. 51:1924 for the calendar years 1999 or 2000, and which qualifies for credits pursuant to R.S. 22:1068(E) shall invest an amount, as determined by the secretary, into the following investments:

A.1. - B. ...

C. The capital management fund referred to in Paragraph A.1 shall be managed by a qualified individual or individuals or entity that is managed by a qualified individual or individuals and governed by a board consisting of one representative from each certified Louisiana capital company that has invested in the management fund as required by this Section and the secretary or his designee, who shall act in an advisory capacity only, with the right to attend meetings but with no voting privileges. The governing board of the capital management fund will develop policies for the administration and operation of the capital management fund. Certified Louisiana capital companies investing in such capital management fund, shall share in the profits and losses of such fund in accordance with the documents providing for the creation and organization of the fund. The fund shall submit reports to the secretary, semi-annually within 30 days of June 30 and December 31. The report shall include information on all investments made by the fund and a copy of the most recent financial statements of the fund and shall be submitted on a form provided by the secretary.

D. - F. ...

G. If a certified Louisiana capital company which is required to invest funds by this Section is also a certified Louisiana capital company described in Paragraph A.2 above, it shall not be required to reinvest part of its certified capital into another certified Louisiana capital company pursuant to the requirements of Paragraph A.2; however, it must still make the investment required by Paragraph A.2.

H. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1935.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 28:989 (May 2002), amended by the Department of Economic Development, Office of the Secretary and the Office of the Governor, Office of Financial Institutions, LR 29:

### **Family Impact Statement**

The proposed adoption of Rules for 10:XV.Chapter 3 regarding amendments to the Louisiana Capital Companies Tax Credit Program should have no known or foreseeable impact on any family as defined by R.S.49:972(D) or on

family formation, stability and autonomy. Specifically there will be no know or fore seeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than September 29, 2003, at 4:30 p.m., to Gary L. Newport, General Counsel, Office of Financial Institutions, P.O. Box 94095, Baton Rouge, LA 70804-9095, or by delivery to 8660 United Plaza Boulevard, 2nd Floor, Baton Rouge, LA 70809.

Don Hutchinson  
Secretary, DED  
and  
John D. Travis  
Commissioner, OFI

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Capital Companies Tax Credit Program  
(CAPCO)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

We do not expect any implementation costs associated with this proposed Rule. We are amending various aspects of the certified Louisiana capital companies program Rule to clarify various definitions and to implement various policy interpretations. Section 305 provides various changes relating to the amount of income tax credits that may be granted in any one year. This change is necessary to conform the Rule to the provisions of R.S. 51:1924 which sets forth the maximum amount of income tax credits that may be granted in any one year. The reduction in the amount of income tax credits as provided for in statute (R.S. 51:1924) occurred during the 2002 Regular Legislative Session (Act # 84). The fiscal effects have been accounted for through the fiscal note process associated with that legislation.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on the revenue collections of state or local governmental units. No aspect of the amendments have the effect of either increasing or decreasing revenues or the use of tax credits.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Generally, there should be no material costs or economic benefits to directly affected persons or non-governmental groups. These changes are merely clarifications or interpretations and do not change the overall requirements of the certified Louisiana capital company program.

The change in the definition of an affiliate is not expected to have any impact on the Capcos. While it will eliminate some potential entities that could be invested in, it is not expected to affect the ability of the Capcos to find other suitable investments which will allow them to meet the applicable statutory investment requirements.

The inclusion in the Rule of the restriction on an investment in an interim construction project will bring into the Rule what has been established previously in policy. While the restriction will now be in the regulation, and therefore the exclusion by force of these Rules will exclude a certain type of investment, we do not expect any impact on the Capcos as a result of this change. As mentioned above, since the adoption of the policy, these types of investments have not been considered qualified investments and have not been relied upon by the Capcos to meet the statutory investment benchmarks.

Under the definition of Total Certified Capital Under Management, we are proposing to include in that definition a policy determination that was made to exclude from the limitation on the amount of a Capco's total certified capital under management that may be invested in one company. This change allows the Capco to calculate the investment limit without consideration as to the amount of the portion of the investment that is guaranteed by either the Small Business Administration or the United States Department of Agriculture. This change will expand the universe of potential companies that can be invested in by the Capcos.

Lastly, a new provision of Section 317 will require that the Capcos prepare quarterly financial statements. It is not expected that this additional requirement will add any significant cost to the Capcos. They should be monitoring their total certified capital under management on at least a quarterly basis now in order to be aware of their investment limitations, therefore, we do not expect that this change will result in any material change in their business practices.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There should be no effect on competition or employment as a result of the implementation of this Rule.

John D. Travis  
Commissioner, OFI  
0308#068

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Board Advisory Councils  
Special Education Advisory Council  
(LAC 28:I.105)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement the following revision to LAC 28:I.105. The revision will change the composition and function of the Special Education Advisory Council (SEAC) to align with recently adopted Bulletin 1706 and Federal Regulations.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 1. Organization**

**§105. Board Advisory Councils**

A. - B.1. ...

**2. Special Education Advisory Council**

a. Creation. Pursuant to federal law and regulations (34 CFR 300.650-652) and to state law (R.S. 17:1954), the Special Education Advisory Council is created to serve the state board in its constitutional functions to supervise and control public schools including programmatic and budgetary responsibility for all funds appropriated for special education programs.

b. Membership. The Advisory Panel shall be appointed and approved by the State Board and shall be representative of the state population and composed of individuals involved in, or concerned with, the education of children with disabilities, including:

- i. parents of children with disabilities;
- ii. individuals with disabilities;
- iii. teachers;
- iv. representatives of institutions of higher education that prepare special education and related services personnel;
- v. state and local education officials;
- vi. administrators of programs for children with disabilities;
- vii. representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;
- viii. representatives of private schools and public charter schools;
- ix. at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and
- x. representatives from the state juvenile and adult corrections agencies.

c. A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

d. Procedures. The Special Education Advisory Council shall conduct its meetings according to rules of procedures for state board advisory councils as found in §105 of this Code and in particular those policies relating to membership terms, selection of officers, filling of vacancies, payment of expenses, general functions, quorum, attendance, procedures for the conduct of meetings, reporting, and staffing by the state board and the Department of Education.

e. Functions

i. As stated in federal regulations, the functions of the advisory council shall be to:

(a). advise the state educational agency of unmet needs within the state in the education of children with disabilities;

(b). comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities;

(c). advise the state educational agency in developing evaluations and reporting on data to the secretary under Section 618;

(d). advise the state educational agency in developing corrective action plans to address findings identified in federal monitoring reports under this Part;

(e). advise the state educational agency in developing and implementing policies relating to the coordination of services for children with disabilities; and

(f). advise on eligible students with disabilities in adult prisons. The advisory panel also shall advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons, even if, consistent with Section 300.600(d), a state assigns general supervision responsibility for those students to a public agency other than an SEA.

ii. As stated in state board policy in LAC 28:I.105.G., the functions of the council are advisory in nature and considerations shall include items referred by the state board as well as items initiated by the council and approved by the board through its regular procedures.

iii. As stated in state board policy LAC 28:I.1711.E., the advisory council shall perform the duties related to disbursement of certain special education discretionary funds.

C. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with La. Constitution Article VII, §10.1; R.S. 17:6(9); R.S. 17:11; R.S. 17:24.4; R.S. 17:415.1; R.S. 17:1954; R.S. 17:3762; R.S. 17:3801; R.S. 42:4.1-12; 20 USC 1413 (§613) and 20 USC 3474 (§112).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 4:427 (November 1978), amended LR 5:137 (June 1979), LR 5:383 (December 1979), LR 14:10 (January 1988), LR 14:293 (May 1988), LR 14:702 (October 1988), LR 14:790 (November 1988), LR 14:62 (December 1988), LR 16:297 (April 1990), LR 19:1310 (October 1993), LR 21:550 (June 1995), LR 22:99 (February 1996), LR 23:1303 (October 1997), LR 24:1093 (June 1998), LR 25:255 (February 1999), LR 25:418 (March 1999), LR 29:

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Board Advisory Councils  
Special Education Advisory Council**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

As a result of this rule change, members of the Special Education Advisory Council will be appointed and approved by the Board of Elementary and Secondary Education.

Also, the Council will assume an additional duty. The Council will advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

This action will have no fiscal effect other than \$136.00 for advertising in the State Register.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This action will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This action will have no effect on cost and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action will have no effect on competition and employment.

Weegie Peabody  
Executive Director  
0308#021

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 106 Agricultural Education  
Content Standards Curriculum Framework  
(LAC 28:LXV.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the adoption of *Bulletin 106 Agricultural Education Content Standards Curriculum Framework*. Bulletin 106 will be printed in codified format as Part LXV of the Louisiana Administrative Code. The proposed Agricultural Education standards will assist teachers in preparing students for the workplace. The action is being proposed to provide Agricultural Education standards.

**Title 28**

**EDUCATION**

**Part LXV. Bulletin 106 Agricultural Education**

**Content Standards Curriculum Framework**

**Chapter 1. General**

**§101. Introduction**

A. The Educational Framework for Louisiana's Agriscience/Agribusiness/FFA Program is an effort to restructure this program for the 21st century. This framework is based on the conviction that all students deserve and must have more productive and fulfilling lives through the application of agricultural, scientific, mathematical, language arts, FFA leadership activities, knowledge, ideas and processes. This conviction is a vision of great hope and optimism for the future of our graduates, one that can act as a powerful unifying force.

B. Setting goals and developing state standards to meet them are key strategies in the agriscience/agribusiness/FFA program. Support for educational frameworks in Louisiana originated in the 1980s when the National Governors Association sanctioned national education goals. Other events of key importance that laid the groundwork for these standards include:

1. A Nation at Risk: The Imperative for Educational Reform (1983)<sup>1</sup>;
2. Understanding Agriculture: New Directions for Education (1988)<sup>2</sup>;
3. Agricultural Education for the Year 2020 (1996-98)<sup>3</sup>;
4. several projects that developed innovative agriscience curricula during the past decade;
5. ongoing legislation and restructuring projects, such as the Southern Region Education Board's High Schools that Work Project and the School to Career legislation, mandate that curricular change in vocational, science, mathematics and other educational areas must occur.

C. These events have led to a strong conviction on the part of the agriscience/agribusiness/FFA community that continued reevaluation of the program and appropriate changes based on this reevaluation are required. A critical aspect of this reevaluation includes an assessment of the extent to which the agriscience/agribusiness instructional program and FFA career development events have implemented the changes called for in national educational reform efforts as shown in Table 1.

1. Table 1. Changes Called for by National Education Reform Efforts

Less Emphasis On	More Emphasis On
Learning about agriculture by lecture and reading	Learning agriculture and science through investigation and inquiry including laboratory and site-based learning
Separation of agricultural and science disciplines	Integration of agriculture and science disciplines
Separation of theory and practice	Integration of theory and practice
Individual learning	Collaborative learning
Fragmented, one-shot planning	Long-term, objectives-based planning
Teacher as expert	Teacher as intellectual, reflective facilitator of learning
Teacher as consumer of knowledge about teaching	Teacher as producer of knowledge about teaching
Teacher as follower in curriculum development	Teacher as primary curriculum developer
Teacher as an individual based in an agriscience program	Teacher as a member of a collaborative, professional education community
Teacher as target of change	Teacher as source and facilitator of change
Content/skills and learning are the responsibility of the teacher	Content/skills and learning are the collaborative responsibility of the teacher and students

D. Agriscience/Agribusiness/FFA educators have traditionally been strong proponents of the approach described in the right column. This project has allowed these educators to reevaluate how well they have implemented these concepts and to identify those course adjustments that are needed.

E. Regardless of our occupation, agricultural production, processing, and distribution are critical to the very existence of the American standard of living as we know it. All Americans should be equipped with a basic understanding of the American and global agricultural systems. This foundation is critical as they become involved in citizenship responsibilities such as voting and policy development, especially in a time of expanding environmental and biotechnological concerns.

F. Approximately 20 percent of all graduates will pursue careers in agriculturally related occupations and two percent of high school graduates will be directly involved in the production of agricultural products. For these students, it is imperative that they study in a high school curriculum that makes them aware of and prepares them for careers in these agricultural occupations. High school agriscience education curricula must equip students with fundamental and advanced agricultural knowledge and skills, including technology, leadership, and career development.

<sup>1</sup>Published by the National Commission on Excellence in Education

<sup>2</sup>Published by the National Academy of Sciences, National Research Council, Board on Agriculture

<sup>3</sup>Project currently underway

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§103. Louisiana Content Standards Foundation Skills**

A. The Louisiana Content Standards Task Force has developed the following foundation skills, which should apply to all students in all disciplines.



1. **Communication**—a process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. **Problem Solving**—the identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. **Resource Access and Utilization**—the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential in all learning processes. These resource tools include pen, pencil, and paper; audio/video material; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. **Linking and Generating Knowledge**: The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principle of continued improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. **Citizenship**—the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§105. Information Literacy Model for Lifelong Learning**

A. Students must become competent and independent users of information to be productive citizens of the 21<sup>st</sup> century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as a part of a team. Therefore, information literacy, the ability to recognize an information need, and then locate, evaluate, and use effectively the needed information, is a basic skill essential to the 21<sup>st</sup> century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly

to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learning is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing**—the first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources**—after students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording**—students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. **Processing Information**—after recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information**—students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. **Presenting Findings**—students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audiovisual presentation, game, bibliography, hyper stack).

7. **Evaluating Efforts**—throughout the information problem-solving process, students evaluate their efforts. This process assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§107. Mission Statement for Agriscience /Agribusiness/FFA**

A. The Mission of the Agriscience/Agribusiness/FFA Program Education is to prepare and support individuals for careers; build awareness of and develop leadership for the food, fiber and natural resource systems; and to sustain the viability of earth and people through education in agriculture. We value and desire to achieve this mission by:

1. providing instruction in and about agriscience, food and natural resource systems;
2. serving all populations;
3. developing the whole person;
4. responding to the needs of the economic and educational marketplace;

5. advocating free enterprise and entrepreneurship education;
6. functioning as a part of the total educational system;
7. connecting classroom and laboratory instruction with real-world life and career experiences; and
8. utilizing a proven educational process which includes
  - a. formal instruction in classrooms and laboratories;
  - b. site-based, experiential learning in supervised agricultural experience programs; and
  - c. leadership and personal development thru the FFA.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **Chapter 3. Components/Structure of The Teaching and Learning of Agriscience/Agribusiness/FFA**

#### **§301. Nature of the Agriscience/Agribusiness/FFA**

##### **Program: What Is Agriscience/Agribusiness/FFA**

A. The mission stated above is accomplished by using a combination of experiential and inquiry-based learning in the classroom, laboratory, and community. All students in agriscience/agribusiness/FFA benefit from the emphasis on lifelong skills such as leadership and personal development, critical thinking, communications, teamwork, career decision making, and citizenship. The Louisiana Content Standards Foundation Skills on page 3 and the Information Literacy Model on page 4 have been adopted by the Louisiana agriscience/agribusiness/FFA profession and have been incorporated into the teaching philosophy and processes used in Louisiana.

Note: From this point to the end of this document, "AgEd/FFA" will be used to denote the Agriscience/Agribusiness/FFA Program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§303. Unifying Concepts and Processes**

A. Students are taught decision-making skills and provided opportunities to take responsibility for significant events and projects in the AgEd/FFA program. These opportunities require hands-on, applied activities that address the student's individual development in several areas: career development, leadership skills, workplace readiness, safety awareness, business management and marketing, and group and organizational skills. These skills are based on concepts taught in academic subjects and students are taught to apply these concepts to life in the real world. Since agriculture is the application of science, providing science credit for AgEd/FFA serves the student's educational needs while also incorporating current trends in science education. AgEd/FFA also incorporates the applications approach for mathematics, language arts and communications, and other academic areas.

B. In addition to the integration with academic subjects, there is a broad spectrum of careers in agriculturally related fields. AgEd/FFA serves as a career path for those students who choose to enter agricultural occupations. AgEd/FFA courses, in tandem with appropriate academic and elective courses, prepare students to enter college, pursue post-

secondary education, or enter the workforce upon graduation.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§305. Instructional Issues**

A. AgEd/FFA is not a classroom only subject. It is based on a constantly expanding knowledge base, evolving technology and other scientific advances, and emerging ethical issues both in the instructional environment and in agriculture. The AgEd/FFA program must meet student and community needs, and state leadership must provide for a wide range of local adaptation. It must be taught as an integral part of high school curricula, rather than as an isolated or stand-alone program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§307. Classroom/Laboratory/Site-Based Learning**

A. AgEd/FFA is unique among educational programs in that its laboratory and site-based experiences are highly interrelated. For example, after classroom instruction on metal or wood construction techniques, materials, etc., students may perform metal or wood construction in a laboratory located at the school or they may perform the same task in a site-based experience. After classroom instruction on parliamentary law motions and procedures, students actually utilize these motions and procedures to conduct mock meetings using the classroom as a laboratory; then, students use parliamentary law to conduct the business of the school's FFA chapter. In both cases, depth of knowledge and skills is developed through a combination of classroom, laboratory, site-based experiences.

B. The program must allow the teacher to facilitate learning while continuing to integrate science, mathematics, and communication skills into the total program. Instruction should be coordinated with all high school courses and taught as an integral part of the total instructional experience for the student, rather than as an isolated program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§309. Technology, Materials, and Equipment**

A. AgEd/FFA programs demand modern equipment, facilities, materials, and other technology that simulate the current environment in the workplace. The program must emphasize knowledge construction to solve problems via the problem-solving method traditionally used in AgEd/FFA, a method that has become popular in many other fields during the past few years. The problems used in this method must be realistic in nature and must require learners to determine the method of solving the problem as well as the actual application of the final solution. The instructional process must incorporate hands-on teaching, an approach that requires equipment, technology and materials similar to those used in the real-work world. Consumable supplies must be provided on a reliable, consistent basis.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §311. FFA

A. The FFA is recognized as the finest student organization in the world. It is a co-curricular student organization that serves as an essential teaching tool in the AgEd/FFA program. FFA activities provide motivational, application-oriented opportunities for students to develop skills and demonstrate learning. Students are given the responsibility for running an FFA chapter. They learn critical thinking skills, leadership, teamwork, communications, competition, ethics, and other critical-life skills through this process. FFA activities connect classroom learning with career-related, real-world experiences. The FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through AgEd/FFA.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §313. Supervised Agricultural Experience Program (SAEP)

A. A very unique component of AgEd/FFA is the Supervised Agricultural Experience Program (SAEP). This component is in addition to the classroom, laboratory and site-based experiences described above. Each student enrolled in AgEd/FFA is required to plan and conduct a SAEP. SAEP is a coordinated set of supervised individual experiences in an agricultural career area. Examples of SAEPs include employment in a farm, ranch, or agribusiness setting; individual production of livestock or crops; volunteer work with community organizations using agricultural skills; or developing entrepreneurial opportunities.

B. The SAEP allows the student to apply the knowledge and individualized skills learned in school-sponsored classroom, laboratory and site-based activities in their own situation. These experiences allow students to explore career areas, to develop career skills further, to develop self-confidence and a sense of responsibility and pride, to hone their personal decision-making skills, and to receive recognition for their achievements.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §315. Depth of Knowledge/Skills

A. Many critics of American education point to the Japanese, German and other systems of education as being superior primarily because of the depth of learning that is common to those systems. AgEd/FFA has traditionally emphasized depth of knowledge and skills. For example, instead of just learning measurement, students use measurement skills in conjunction with other skills to construct realistic agricultural projects or facilities. Instead of just studying chemicals and their effects on plants, students select appropriate chemicals for specific problems or situations, calibrate equipment, and apply the chemical according to manufacturers' specifications. Instead of just learning business principles, students are involved in entrepreneurial SAEPs, develop a business plan, maintain records, and evaluate business success. These examples demonstrate the depth that exists in the AgEd/FFA program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

## Chapter 5. Assessment

### §501. Purpose of Assessment

A. Assessment is the "process of collecting, synthesizing and interpreting information to aid in decision making" (Airasian, 1991)<sup>4</sup>. It is an important tool used to make decisions about educational quality and improvement. It is a key tool used by Louisiana Department of Education staff, members of the State Board of Elementary and Secondary Education, and other stakeholders to make decisions about education policy and to ensure accountability. Assessment must guide the enhancement and improvement of AgEd/FFA and FFA.

<sup>4</sup>Airasian, P. (1991). *Classroom assessment*. New York: McGraw-Hill, Inc.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §503. Objectives Oriented Approach

A. One major error made by some professionals and stakeholders in the field of education is that they often fail to base assessment on valid, measurable instructional objectives. If everyone has not agreed what a program is supposed to produce from an instructional quantity and quality standpoint, then any assessment is futile. In the case of the AgEd/FFA strands described in this publication, assessment design becomes even more critical because each local program of AgEd/FFA must be based on student and local community needs rather than a state-wide mandated curriculum. As such, assessment of AgEd/FFA programs should be conducted based on local objectives.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §505. Alternative Assessment

A. One initiative in education reform is the promotion of the use of alternative assessment in all areas of education. "Alternative assessment includes any type of assessment in which students create a response to a question rather than choose a response from a given list (e.g., multiple-choice, true-false, or matching). Alternative assessment can include short answer questions, essays, performances, oral presentations, demonstration, exhibitions, and portfolios."

<sup>5</sup>Regional Educational Laboratory Network Program on Science and Mathematics Alternative Assessment. (1994). A toolkit for professional developers: Alternative assessment, page 7.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §507. Effective AgEd/FFA Program Assessment

A. The alternative assessment examples identified above match the instructional needs of AgEd/FFA programs and will continue to be used. However, a comprehensive, valid assessment of AgEd/FFA must include an assessment of all components of the program: classroom/laboratory/site-based instruction, supervised agriscience experience program, and FFA activities. This program cannot and should not be evaluated solely on written examinations or standardized test

scores. However, AgEd/FFA students have consistently scored higher on all five portions of the Louisiana Assessment of Education Process (LEAP) tests than the general student population.<sup>6</sup> Alternative methods such as portfolios, exhibitions, and skill performances, and career development events must be used. The Annual Report/Plan Louisiana Agriscience/Agribusiness/FFA is one tool that should be used in assessing AgEd/FFA programs.

<sup>6</sup>Based on 1994-1996 data.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§509. Need and Context for Restructuring AgEd/FFA**

A. The world of agriculture and AgEd/FFA continues to grow more complex. We develop, disseminate and interpret more information in less time than ever before. Our curriculum development, teacher education, state supervision/coordination of AgEd/FFA activities, and local delivery systems must stretch to keep the pace. AgEd/FFA educators must keep pace as scientists add more information to the knowledge base, budgets grow tighter, and the use of technology increases the speed of business.

B. These rapid changes require new ways of thinking, working and interacting. Just as newer, more powerful software applications can overwhelm today's computer systems, the ever-accelerating rate of change can overwhelm our system of AgEd/FFA. From curriculum development and dissemination to teacher preparation and state supervision/coordination of AgEd/FFA activities, our people are overloaded. It is time to take a fresh look at these systems to meet current and future needs more effectively.

C. Tremendous change is occurring in our nation's schools and particularly in Louisiana. Alternative scheduling is one initiative that is dramatically affecting AgEd/FFA. AgEd/FFA programs need the flexibility to function within 4x4 blocks and other forms of alternative scheduling. The use of this Framework in developing local curricula provides this flexibility.

D. The Frameworks project was launched in an effort to address these fundamental issues. This project is a visioning and planning initiative to develop a framework for 21st century education/FFA programs. This project, in collaboration with AgEd/FFA across the nation, is the first step in a multi-year effort to reinvent AgEd/FFA in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **Chapter 7. Purpose/Goals of the AgEd/FFA Framework Project**

#### **§701. Purpose/Goals**

A. The purpose and goals of this project are to develop

1. A master plan for developing the agricultural literacy and advanced career skills of Louisiana students as they progress through K-12 AgEd/FFA.

2. A master plan for AgEd/FFA based on Louisiana's needs.

3. A visionary document that will enable teachers, students, parents, administrators, and other stakeholders to envision the nature, purpose and role of AgEd/FFA in Louisiana schools.

4. A master plan that:
- provides substantial depth of content and skills;
  - provides increased collaboration between teachers and students in instructional design;
  - utilizes alternative assessment methodology (other than primarily written objective tests);
  - describes the scope for AgEd/FFA;
  - provides flexibility to teachers in selecting course content and activities based on local needs;
  - prepares students for the 21st century;
  - truly empowers teachers as leaders in the profession;
  - reemphasizes science, mathematics, and communications content of AgEd/FFA curricula;
  - emphasizes foundation skills developed by the Louisiana Content Foundation Skills Standards Task Force and by the Louisiana AgEd/FFA Framework Project Task Force:
    - communication;
    - problem solving;
    - resource access and utilization;
    - linking and generating knowledge;
    - citizenship;
    - leadership;
    - career development;
    - agricultural/occupational experience.

5. A master plan that recognizes that each AgEd/FFA program must be based on the needs of the students and local community. As such, not all AgEd/FFA programs will teach all benchmarks and identified benchmark components. Each AgEd/FFA educator must identify those benchmarks and benchmark components that are appropriate for their students and community.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§703. Intended Audience**

A. The Louisiana AgEd/FFA Framework is intended for a broad audience: AgEd/FFA teachers, K-12 teachers, parents, school and district administrators, school board members, policy makers, Louisiana Department of Education staff, college/university faculty/administrators, business/industry leaders, and government agency staff.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§705. Intended Use**

A. This Framework serves as a guide for curriculum and instruction and as a general reference to the basic principles of AgEd/FFA in Louisiana. It should be noted that the benchmarks and benchmark components taught should be based on the needs of the students and the community where the AgEd/FFA program is located. The intended uses of this Framework include the following:

- for AgEd/FFA teachers to use in planning curriculum, instruction and assessment;
- for K-12 teachers to use in identifying ways they can incorporate AgEd/FFA emphasis in their curricula;
- for parents to use as a means of assessing the effectiveness of their children's AgEd/FFA;

4. for school and district administrators and school board members to use as a vision for AgEd/FFA and a basis for planning resource allocations, material purchases, local curriculum development, teachers' professional development, and facility construction;

5. for policy makers and state education staff as a basis for developing laws, policies, professional development activities/materials, assessment strategies, and funding priorities to support local program development;

6. for college/university faculty and administrators as a basis for the content and design of pre-service teacher education and in-service teacher development programs; and

7. for business/industry leaders and government agency staff as a basis for developing effective partnerships for supporting AgEd/FFA programs and professional development.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§707. Selected Terminology**

**Benchmark** Broad labels that denote the process and content used as a reference to develop curriculum and assess student progress.

**Benchmark Component** Descriptions of the components of each benchmark.

**Connecting Activities** Activities that connect schools and workplaces. These "connecting activities" include:

1. coordinating classroom instruction and workplace experience so that the instructional program in school reinforces student's work experiences and vice-versa;

2. providing regular communication, planning, and consultation between the student's employer and the school;

3. forming permanent two-way links with the business and the school, communicating their expectations of what students should learn and be able to do, and then working as partners to help students achieve; and

4. creating links to the full range of post-secondary options, including college.

**Classroom Learning** A combination of AgEd/FFA information and experiences provided in classrooms, laboratories, or community.

**SAEP** Supervised Agricultural Experience Program: an individualized student program of planned agricultural activities and occupational ex-periences that are supervised by the AgEd/FFA teacher. The SAEP may include placement, entrepreneurship or volunteerism experiences.

**School to Work** Joint business-educator-labor partnerships whereby local teams design a focused system that links a rigorous and challenging curriculum with serious work-based learning experiences for career-bound youth.

**Strand** Major division of instructional content.

**Standard** Umbrella goal for each strand.

**Work-Based Experiences** The occupation specific component of SAEP. Includes those experiences resulting from enrollment in the Cooperative Agricultural Education (CAE), an out-of-school placement program; mentoring; or job shadowing components of the AgEd/FFA program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§709. How Individual Teachers Should Use these Rules**

A. The Frameworks will serve AgEd/FFA policy makers and stakeholders and individual teachers as the foundation for the functional restructuring of AgEd/FFA curricula in Louisiana. The Framework outlines the content appropriate to be taught in Louisiana AgEd/FFA programs; local needs will determine what should be taught in local AgEd/FFA programs. Although teachers will be able to use this Framework to guide them in the restructuring of their curricula, this document does not contain specific performance criteria that are essential in AgEd/FFA. These specific assessment criteria must be developed on the local level.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§711. Content Strands**

A. Goal. The student will be able to communicate clearly and effectively, use knowledge and information efficiently, solve problems, demonstrate positive leadership, be creative and original, determine quality, work cooperatively with others, be prepared to make career choices and learn effectively throughout life through agricultural education. This goal will be accomplished by implementing the content strands and standards listed below.

Code	Content Strand	Standard
AL	Agricultural Literacy - K-12 ALL students will become aware of the characteristics and components of the food and fiber systems.	
PD	Personal Development	AgEd/FFA students will develop the necessary interpersonal and communication skills to obtain a job and work effectively and safely in an interactive work environment.
AB	Agribusiness	AgEd/FFA students will understand the concept of agricultural marketing, management, finance, and entrepreneurship.
BT	Biotechnology	AgEd/FFA students will be able to discuss basic concepts of biotechnology and be able to apply these concepts in written and laboratory activities.
AS	Animal Systems	AgEd/FFA students will understand the concepts and principles of animal science.
PS	Plant Systems	AgEd/FFA students will understand the concepts and principles of plant science.
EM	Environmental Management	AgEd/FFA students will develop an understanding of the interrelationship between people, agriculture and the environment.

AP	Agricultural Processing	AgEd/FFA students will understand processing and packaging of agricultural products.
AT	Agriscience Technology	AgEd/FFA students will demonstrate technical skills that reflect successful business and industry practices.

Special Note: The codes shown in the mathematics, science, and English language arts columns in the tables on the following pages were taken from the mathematics, science, and English language arts frameworks developed by the Louisiana Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§713. Agricultural Literacy K-12**

A. Standard. All students will become aware of the characteristics and components of the food and fiber systems.

B. Focus. Agriculture is an important part of our state's economy from both product and employment perspectives. We depend on the agricultural system for survival and nourishment. Our citizens, both young and old, must be educated about the system that produces our abundant food supply. AgEd/FFA students will learn how food gets to their plates and the numerous biotechnological, economic, environmental, and monetary issues related to the global agricultural system.

C. AL - Agricultural Literacy Cross Reference

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agricultural Awareness grades k-4	1. Discussing the history and industry of agriculture	N1/2/3/4/5/6/7/8/9 A1/2/3 M1/2/3/4/5 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
		2. Exploring the animal kingdom as it relates to food and fiber	N1/2/3/4/5/6/7/8/9 A1/2/3 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
		3. Exploring the plant kingdom as it relates to food and fiber	N1/2/3/4/5/6/7/8/9 A1/2/3/4 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
		4. Exploring the food and fiber system of our everyday lives	N1/2/3/4/5/6/7/8/9 A1/2/3/4 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
	B. Agricultural literacy grades 5-8	1. Explaining and analyzing the components of agriculture and the manner in which the industry affects our daily lives	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4

		2. Understanding how science relates to agriculture	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
		3. Exploring animal and plant systems	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
		4. Exploring vocational skills of the agricultural industry as they relate to agricultural occupations	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
		5. Exploring career opportunities in the agricultural industry	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
	C. Agricultural literacy grades 9-12	1. Exploring the food, fiber, and natural resource systems	N1/2/6/7 A1/2/3/4 M1/2/3/4 G6 D1/2/7/8/9 P1/2/3/4/5/6	SI-A1/2/3/4/5/6, B1/2/3/4/5 PSA1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, C4/5/6/7, D1/2/3/4, E1/2/3, F1/3/4, G1/2/3/4/5 SE-B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Discussing why agriculture is important in our lives	N1/2/6/7 A1/2/3/4 M1/2/3/4	SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A2, B1, C1/2/3/4, D1/2/3/4/6/7, E1/2/4, F1/2, G4 LS-A1/2/3/4, B1/2/3/4, C4-/5/6/7, D1/2/3/4, E1/2/3, F1/3, G1/2/3 SE-B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

		3. Recognizing areas of science that are a part of agriculture (physics, chemistry, geology, meteorology, biology)	N1/2/5/7 A1/2/3/4 M1/2/3/4 G1/3/6 D1/2/7/8/9 P1/2/3/4/5	SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, C4/5/6/7, D1/2/3/4, E1/2/3, F1/3, G1/2/3	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		4. Understanding the relationship between plants and animals	N1/2/6/7 A1/2/3/4 M1/2/3/4 G6 D1/2/7/8/9	P1/2/3/4/5 SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, C4/5/6/7, D1/2/3/4, E1/2/3, F1/3, G1/2/3 SE- A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6,C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		5. Discussing jobs involved in agriculture	N1/2/5/6/7 A1/2/3/4 M1/2/3/4 G1/3/6 D1/2/7/8/9 P1/2/3/4/5	SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, 4/5/6/7 D1/2/3/4, E1/2/3, F1/3, G1/2/3 SE- A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6,C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		6. Understanding how agriculture was and is necessary for the development of civilization	N1/2/7 A1/2/3/4 M1/2/3/4 G1/3/6 D1/2/7/8/9 P1/2/3/4/5		1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§715. Personal Development**

A. Standard. AgEd/FFA students will develop the necessary interpersonal and communication skills to obtain a

job and work effectively and safely in an interactive work environment.

B. Focus. AgEd/FFA students will develop and demonstrate knowledge and skills in agricultural communications, teamwork, citizenship and agriculturally related careers needed in becoming productive citizens.



C. PDC Personal Development Cross Reference  
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agricultural communication	1. Identifying FFA leadership activities	A1 G6 D1/5/7/8/9 N1/2/6	SI-A1/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/8/10/11, B1/5, C5/C7, D2/4/9	1-H1/3/4/5 2-H2/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Developing agricultural related speeches	A1 G6 D1/5/7/8/9 N1/2/6	SI-A1/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/10/11, B1/5, C5, D2/4	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		3. Participating in leadership skills career activities	A1 M1/4 G6 D1/5/7/8/9 N1/2/6	SI-A1/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/8/10/11, B1/5, C5, D2/4	1-H1/3/4/5 2-H/2/5, 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
	B. Team work in agriculture	1. Participating in agricultural career event activities	A1/2/3/4 M1/2/3/4 G6 D1/5/7/8/9 N1/2/3/4/5/6/7	SI-A/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/8/10/11, B1/5, C5 D2/4	1-H1/3/4/5 2-H/2/5, 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Developing chapter recruitment activities			1-H1/3/4/5 2-H/2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		3. Developing student and community related financial activities	A1/2/3/4 M4 G6 D1/5/7/8/9 N1/2/5/6/7		1-H1/3/4/5 2-H/2/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
	C. Citizenship in agriculture	1. Developing community related economic activities	A1/2/3/4 M1/4 G6 D1/5/7/8/9 N1/2/5/6/7		1-H1/3/4/5 2-H/2/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Conducting local agricultural and environmental awareness activities	A1 M1/4 G6 D1/5/7/8/9	SI-A1/3/6 PS-G4, H2 LSI-D4 ESS-A12, B1/4 SE-A1/2/3/4/5/6/7/10/11, B1/2/3/4/5/6/, C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H/2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		3. Conducting community related citizenship and human resource development activities	A1 M1/4 G6 D1/7/8/9	SI-A1/3/6 LS-D4 ESS-A1/2, C3/4/5 SE-A1/2/6/17/10/11, B1/2/3/4/5/6/7, C2/4/5/6/7, D2/3/4/5/6/7/8/9	1-H1/3/4/5 2-H/2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
	D. Careers in agriculture	1. Exploring agricultural related occupations	A1 M1/4 G6 D1/5/7/8/9 N1/2/5/6/7	SI-A1, B1 PS-A1, D1, E1/2 LS-G5 SE-C5, D3/9 ESS-A1/2, C3/4/5	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Developing agriculture work experiences	A1 M1/4 G6 D1/5/7/8/9	SI-A1, B1 PS-A1, D1, E1/2, H1/3 LS-G5 SE-C5, D3	1-H1/3/4/5 2-H2/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4

		3. Participating in agricultural career events	A1 M1/2/3/4 G6 D1/5/7/8/9 N1/2/3/4/5/6/7	SI-A3/6, B1 PS-D2, G3/4, H1/3 LS-D4, G5 ESS-B1 SE-A2/4, D3	1-H1/3/4/5 2-H2/5 3-H1/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		4. Developing job seeking and keeping skills	A1 M4 G6 D1/5/7/8/9 N1/2/5/6/7	SI-A6, B1 PS-HI LS-G5 SE- D3	1 -H1/3/4/5 2-H/2/5, 3-H 1 /3 4-H 1 /2/3/4/5/6 5-H 1 /2/3/4/6

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §717. Agribusiness

A. Standard. AgEd/FFA students will understand the concept of agricultural marketing, management, finance, and entrepreneurship.

B. Focus. This strand focuses on the study of sound business practices and the effect of supply and demand in the marketplace. Strong emphasis is placed on the development of individual business plans.

### C. ABC Agribusiness Cross Reference

(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Production systems	1. Identifying various production practices of the world	N1/2/3/5/7 A1/3/4 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/6 7-H4
		2. Determining the factors that affect the development of production practices	N1/2/3/5/7 A1/3/4 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10, D3/4/5/9	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/6 7-H4
		3. Understanding human diversity and its affect on world markets	N1/2/3/5/7 A1/3/4 M2/4 G6 D6/7/9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10, D3/4/5/9	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/6 7-H4
		4. Discussing problems affecting agricultural production worldwide	N1/2/3/5/7 A1/3/4 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10, D3/4/5/9	1-H1/3/4/5 2-H2/3/4/5 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	B. Selections from various choices	1. Identifying occupational preferences	G6 D1/5/9	SE-C3, D1	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		2. Explaining the reasons for and effects of unemployment	G6 D1/5/6/7/9	SE-D1 1-H1/3/4/5	2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 7-H1/2
	C. Factors that make employees successful	1. Explaining the roles of customers and salespersons	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3 LS-F3	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5 7-H1/2
		2. Exploring various buying decisions	A1/3/4 N2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2

		3. Describing the types of customers	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3 LS-F3	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		4. Describing the desirable characteristics of a good salesperson	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3	2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	D. Agricultural marketing sales and services	1. Explaining the laws of supply and demand	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2 2-H2/4/5	3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		2. Understanding the agricultural market, sales and services systems	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2 3-H1/2/3	4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		3. Discussing marketing costs and margins	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2 2-H2/4/5	3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		4. Discussing the impact of the customer on markets, sales, and services	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2 2-H2/4/5	3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	E. Economics of production	1. Understanding how the factors of production are organized and how they differ between systems	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 3-H1/2/3	4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	F. Develop a business plan	1. Explaining the importance of budgeting and understanding the types of costs	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		2. Explaining credit and its uses in a business	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2/6/10 1-H1/3/4/5	2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		3. Explaining the various types of business organizations	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		4. Understanding the meaning of assets and liabilities	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		5. Developing a cash flow projection for a business	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/6 3-H1/2/3 4-H1/2/3/4/5/6 7-H1/2
		6. Explaining variable versus fixed costs	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 7-H1/2
		7. Understanding the legal aspects of a business	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2

		8. Demonstrating the concept of capital investment	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		9. Explaining the purposes and types of Insurance in agriculture	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §719. Biotechnology in Agriculture

A. Standard. AgEd/FFA students will understand the concepts and principles of biotechnology and the relationships biotechnology has with the agricultural environment.

B. Focus. This strand focuses on the study of interrelationships of science and technology and the impact of this technology on agriculture and agricultural products. This strand includes a focus on research and career opportunities.

### C. BT Biotechnology Cross Reference (from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Basic concepts and applications of biotechnology	1. Defining biotechnology and the history of its development	N2/3/4/5/6	SI-A2/5/6 B1/2/3/4/5 LS-A1/2/3 B1/2/3/4	1-H4/5 2-H2/4/5 3-H1/2/3
		2. Applying the steps of the scientific method and developing record-keeping methods	M1/3/4 D1/3/5/7 N1/2/5/7	SI-A1/2/3/4/5 B1/2/3/4/5	2-H6 3-H1/2/3 5-H6 7-H4
		3. Analyzing the model of DNA model	G1 D1/3/5/7 N1/2/3/4/5/6	LS-B1	4-H2 5-H6
		4. Distinguishing between types of cell structure		PS-A1/2/3 B1	5-H2 7-H2
		5. Understanding the processes involved in the transfer of genetic information	G1 D1/3/5/7 N1/2/3/4/5/6/7	LS-B1/2/3/4	1-H4/5 7-H2/4
		6. Demonstrating the applications of biotechnology in agriculture	D3/5/7 N1/2/3/4/5/6/7	LS-D1/4	1-H4/5 5-H3
	B. Impacts and public issues of biotechnology	1. Understanding the benefits and concerns in biotechnology		LS-D1/4 G1/5	1-H3/4/5 4-H1
		2. Exploring ethical issues in biotechnology		SE-D1/2/6/9 SI-B1/2/3/4/5	1-H4/5 2-H1 3-H3 5-H1/2
		3. Distinguishing among types of companies and jobs available in the biotechnology industry			5-H1/2
	C. Processes and applications affecting the plant systems	1. Understanding the purposes for plant biotechnology		SE-B1/2/3/4 PS-D2	1-H4/5
		2. Distinguishing between plant breeding systems and genetic engineering of plants	D1/3/5/7 N1/2/3/4/5/6/7	LS-A1/2/3 B1/2/3/4 F1 PS-D2	1-H4/5 5-H1 7-H2/4
		3. Analyzing agriculture applications of plant and tissue culture	D1/3/5/7 N1/2/3/4/5/6/7	LS-A1/2/3 B1/2/3/4 PS-D2	1-H4/5 7-H1/2
	D. Processes and applications affecting animal systems	1. Understanding the purposes for animal biotechnology		LS-B1/3/4	1-H4
		2. Distinguishing between traditional animal breeding and genetic engineering of animals	D1/3/5/7 N1/2/3/4/5/6/7	LS-B1/3/4 1-H4/5	5-H1 7-H4/5

		3. Selecting ways to use biotechnology for making changes in animals and animal products		LS-B1/3/4	1-H4/5
	E. Microbial biotechnology in agriculture	1. Understanding microorganisms and relationships to food processing and the environment	D1/3/5/7 N1/2/3/4/5/6/7	SE-A8/9/10/11 C2 PS-D1 SE-A3/8/9/10	1-H4/5 5-H3
		2. Applying the types of fermentation systems	N1/2/3/4/5/6/7	PS-D1	7-H1/2
		3. Distinguishing the products of fermentation and their benefits	N1/2/6/7	PS-D1 SE-A3/8/9/10	1-H4/5 5-H1 7-H2

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§721. Animal Systems**

A. Standard. AgEd/FFA students will understand the concepts and principles of animal science.

B. Focus. AgEd/FFA students will demonstrate necessary skills to obtain a job and to work effectively in the area of animal science. ("Other animals" referenced in the benchmarks below include fish, wildlife, equine, small animals, etc.)

**C. ASC Animal Systems Cross Reference**

(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Selection of livestock, poultry, and other animals	1. Identifying and using systems for selecting and breeding livestock, poultry, and other animals	N1/3/4/5/6 G1/4 M1/2/3/4 D1/3/9	SI-A1/2/3/4/5/6 PS-B1 SE-A6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	B. Anatomy and physiology of livestock, poultry, and other animals	1. Describing and understanding the anatomy and physiology of livestock, poultry, and other animals	N1/2/3/4/5/6/7 G1/6 M1/2/3/4 D1/2/3/4/5/6/7/8/9	SI-A1/2/3/4/5/6/7 LS-A1/2/3 B1/2/3/4 C1/2/3/4/5/6/7 F1/2/3	2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	C. Reproduction of livestock, poultry, and other animals	1. Understanding reproduction of livestock, poultry, and other animals	N1/3/4/5/6/7 A1/2/3 M1/2/3/4 D1/2/3/4/5/6/7/8/9	SI-A1/2/3/4/5/6/7 LS-A1/2/3 B1/2/3/4	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	D. Nutrition of livestock, poultry, other animals	1. Determining nutritional needs of livestock, poultry, and other animals	N1/3/4/5/6/7 A1/2/3 M1/2/3/4 D1/2/3/4/5/6/7/8/9	SI-A1/2/3/4/5/6/7	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	E. Environmental factors affecting livestock, poultry, and other animal systems	1. Identifying environmental factors affecting livestock, poultry, and other animal production systems	N1/2/3/4/5/6/7 A1/2/3 M1/2/3/4 D1/2/3/4/5/6/7/8/9 P1	SI-A1/2/3/4/5/6/7, B1/2/3/4/5 LS-B3/4, C6, D1/2/3/4, F3, G1/3/4 PS-A1/2, C1/2/4/5/6, D1/2/4 ESS-A1/2, B1, C3/4/5 SE-A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6, C2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	F. Diseases and parasites of livestock, poultry and other animals	1. Describing and identifying diseases and parasites of livestock, poultry, and other animals	N1/2/5/6/7 M1/3/4 D1/2/3/4/5/6/7/8/9 P1	S-A3/6 LS-G1/2/3/4/5	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	G. Ethical issues related to livestock, poultry, and other animal systems	1. Discussing ethical issues related to livestock, poultry, and other animals		LS-G1/3/4 SE-C1/2/3/4/5 D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §723. Plant Systems

A. Standard. AgEd/FFA students will understand the concepts and principles of plant science.

B. Focus. This strand focuses on the study of the processes and environmental variables related to the successful growth and production of plants for food and fiber. This strand includes a focus on relating life, environmental and earth science concepts to real-life problems in plant production through the use of modern technology.

#### C. PS Plant Systems Cross Reference (from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Internal processes affecting plant growth and reproduction	1. Describing plant structures and functions		LS-A1/2, B1/2/3/4	2-H1/2
		2. Exploring growth processes		LS-A1/2, B1/2/3/4	2-H1/2
		3. Explaining asexual and sexual reproduction processes		LS-A1/2, B1/2/3/4	
		4. Developing and implementing genetic improvement systems	N1/2/3/4/5/6/7 A1/2/3/4 D1/2/3/4/5/6	LS-A1/2, B1/2/3/4 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	
	B. External environmental factors affecting plant growth and reproduction	1. Understanding relationships among moisture, temperature, air, and plant growth	N1/2/3/5/6/7 M1/2/3/4 A1	ESS-C6 LS-D1/4 SE-A3/7/11, B3/4/5, C8, D1/9	
		2. Planning and implementing integrated pest management	M1/2/3/4 N1/2/3/4/5/6/7	ESS-C6 LS-D1/4 SE-A3/7/11, B3/4/5, C8, D1/9 PS-D7	
		3. Applying sustainable production concepts and practices	N1/2/3/4/5/6/7 M4	ESS-C6 LS-D1/4 SE-A3/7/11, B3/4/5, C8, D1/9 PS-D2/7	
	C. Soil fertility	1. Understanding differences between soil and soil-less mixtures		ESS-A4, B2/4, C8 SE-B4	
		2. Understanding basic soil-plant relationships	ESS-A1/2/6, B1, C3/4/5/8 PS-D2/7 SE-B4		
		3. Determining liming and soil acidity relationships	M1/2/3/4 N1/2/3/4/5/6/7 A1	ESS-A1/2/6, B1, C3/4/5 PS-D2/7 SE-B4	
		4. Exploring the importance of soil fertility and soil management	N1/2/3/5/6	ESS-A1/2/6, B1, C3/4/5 PS-D2/3/7 SE-B4	2-H1/2
		5. Selecting and applying fertilizers	N1/3/4/5/6/7 M1/2/3/4 D7/8/9 P1/2/3/4/5 A1	ESS-A1/2/6, B1, C3/4/5 PS-D2/7 SE-B4	
	D. Plant production	1. Learning to identify the uses of plants		LS-B2, C1/2 SE-A4 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	
		2. Exploring the way plants grow and the environmental factors required	N1/2/3/4/5/6/7	LS-B2, C1/2 SE-A4 PS-D7	7-H1/2
		3. Understanding and implementing proper crop management	N1/2/3/4/5/6/7	LS-B3	

	E. Landscaping and Floriculture	1. Learning to properly identify and classify plants for landscape and floral design use		LS-B3	
		2. Evaluating the plant data for selection and placement (size, growth, habitat, pests, and cultivar)	N1/2/3/4/5/6/7 D1/2/5/7/8/9 M2/4	LS-B3	
		3. Developing landscaping plans and floral designs	A1/2/3/4 M1/2/3/4 G1/2/3/4/5/6	LS-B3	
	F. Crops of Louisiana	1. Understanding the role of modern-day crop production			2-H1/2/3/4/5/6 3-H1/2/3/4/5
		2. Understanding the differences among the various crops			1-H1/5 7-H1/2/4
		3. Understanding the concepts of conservation tillage and crop rotation	N1 SI-A1/2/3/5/6 ESS-A1/2/6, C3/4/5 SE-B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6		1-H1/3/4/5
	G. Horticultural crops of Louisiana	1. Understanding the role of modern-day horticultural crop production			1-H1/3/4/5 2H1/2/3/4/5
		2. Understanding the differences among the various crops			1H1/3/4/5 2H1/2/3/4/5
	H. Agribusiness relating to crop production	1. Exploring the different career opportunities			1-H1/3/4/5 2-H1/2/3/4/5 4-H4/5/6
		2. Learning the basic record keeping practices	N3/4/5/7 A1/2/3/4 D1/2/5/6/7		1-H4/5 2-H2/6 5-H1/2/3/4/5/6
		3. Understanding the concepts and skills related to successful employment			2-H1/2/3/4/5/6 4-H1/2/3/4/5/6

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §725. Environmental Management

A. Standard. AgEd/FFA students will develop an understanding of the interrelationship between people, agriculture and the environment.

B. Focus: This strand focuses on utilization and conservation of environmental resources for multiple purposes through a study of maintaining, protecting, and harvesting these resources.

#### C. EM - Environmental Management Cross Reference (from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Universal impact of forestry	1. Identifying the major species of trees that are important to the forestry industry		LS-C1/4 SE-A10	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Exploring the multiple-use concept of forest management and forest products		SI-A1/2/3/4/5/6/7, B1/2/3/4/5 PS-A1/2, B1/2/3, C3/4/7, D1/2/3/4/5/6/7, E1/2/3/4/5, F1/2 LS-A1/2/3,B1/2/3/4, C1/2/3/4/5/6/7	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		3. Investigating the impact of insects, diseases, fire, and laws that affect the forest industry		SI-A1/2/3/4/5/6/7, B1/2/3/4/5 PS-D7, E1	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

		4. Describing common methods used to reforest timber areas	M1/2/3/4 N1/2/3/4/5/6/7	SI-A1 LS-B4, D4 SE-A1/2/6/7/8/70, B2/4, C5, D3	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		5. Describing the harvesting and marketing of forest products	M1/2/3/4 N1/2/3/4/5/6/7	SI-A1/2/3/4/5/6/7, B1, D4	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		6. Determining land and timber volumes	M1/2/3/4 N1/2/3/4/5/6/7 A1 G1/2/3/6	SI-A1/2/3/4/5/6/7, B1/2/3/4/5 PS-D2 SE-A1/2/6/4/8/10, B1/2/3, C4/5, D3/4/5	-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	B. Wildlife management and conservation	1. Understanding wildlife production requirements, habitat analysis and valuation, and wildlife damage control	M1/2/3/4 N1/2/3/4/5/6/7	SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4/5, D1/2/3/4/5/6 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Describing an ecosystem		LS-C5 SE-A2/4/6/7/10, C2	
		3. Explaining the policies, laws, funding and administration, and regulatory agencies of wildlife management, recreation, and conservation	N1/3/4	SE-B4/5/6, C4/5, D2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	C. Environmental Quality	1. Understanding relationships among agriculture, water quality, and air quality	M1/2/3/4 N1/2/3/4/5/6/7	SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4/5, D1/2/3/4/5/6 SI-A1/2/3/4/5/6/7, B15	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Applying principles of soil, water, and air conservation	M1/2/3/4 N1/2/3/4/5/6/7	SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4/5, D1/2/3/4/5/6 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		3. Understanding issues related to wetlands conservation and coastal erosion		SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §727. Agricultural Processing

A. Standard. AgEd/FFA students will develop an understanding of the processes of distributing, grading, inspecting, processing, mixing, packaging, and storing of food and non-food products.

B. Focus. This strand focuses on the various processing steps and methods involved with the different agricultural products using modern technology.



C. AP - Agricultural Processing Cross Reference  
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agricultural meat processing	1. Understanding and complying to federal and state standards	N1/3/6 A1/2 M1/2/3/4 G6 D1 P1/5	SI-A2/3 PS-A1, F1 LS-G2	1-H1/3/4/5 2-H1/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Explaining and analyzing the process of slaughtering, packaging and distributing	N1/3/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/2/3/4/5	SI-A2/3 PS-A1, D2/7, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	B. Milk and dairy product processing	1. Explaining the handling, processing, and distributing of fresh milk and milk products	N1/2/3/6 A1/2/3/4 M1/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, D2/7, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
	C. Fruits and vegetable processing	1. Explaining the handling, manufacturing, and transporting of fresh, frozen, and canned fruits and vegetables	N1/3/4/5/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, D2/7, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
	D. Grain crop processing	1. Understanding USDA regulatory programs	N1/3/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
		2. Explaining the handling, processing, and distributing of grain crop products	N1/3/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
	E. Career awareness	1. Describing the various careers associated with agricultural processing and the occupational outlook	N1/3/6 A1/2/3/4 M1/2/3/4 D1	SI-A1/2/3 PS-A1, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§729. Agriscience Technology**

A. Standard. AgEd/FFA students will demonstrate technical skills that reflect successful business and industry practices.

B. Focus. This strand focuses on the study and use of agricultural power and energy, energy sources in agriculture, mathematics in agricultural welding technology, and agricultural structures and facilities.

C. AT - Agricultural Technology Cross Reference  
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agriculture power and energy	1. Explaining the principles of electricity; terms, service entrances, meters, and circuits	N4/5/7 M1/2/3/4	PS-B3,E4,G2/4 ESS-A1	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-1/2/3/4
		2. Understanding the applications for lighting, heating, and selecting electric motors	M1/4 A1/3 G6	PS-E1/2, F1, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 4-1/2/3/4
		3. Working safely with electrical energy		PS-G4	1-H1/3/4/5 2-H5 3-H1/2/3 4-1/2/3/4 5-H6
		4. Developing skills in planning, estimating, selecting of materials, installing, testing and troubleshooting	N1/3/4/5/7 M1/4 G6	SI-A3	1-H1/3/4/5 2-H5 3-H1/2/3 4-1/2/3/4 5-H6
		5. Describing the principles of the internal combustion engine, including both two-stroke, four-stroke and diesel engines	N4/5	PS-E2/3, F1, G1/2/3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-1/2/3/4 5-H6
		6. Exploring the fundamentals of hydraulic power		PS-A1, E2/3, F1, G1/2/3	1-H1/3/4/5 4-H1/2/3/4
		7. Explaining and analyzing pneumatic power		PS-E2/3, F1, G1/2/3	1-H1/3/4/5 3-H1/2/3 4-H1/2/3/4
		8. Servicing trouble shooting, repairing, and overhauling of small engines	M1/3/4 N3/4/5/6	SI-A3 PS-E2/3, F1, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 5-H6
		9. Explaining and demonstrating maintenance, operation and safety of tractor and lawn equipment	N3/4/5 M1/2/3/4	SE-D1/2/3/4 PS-E1/2/3, F1/2, G1/2/3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H6
	B. Energy sources in agriculture	1. Describing primary nonrenewable sources of energy including coal, natural gas and petroleum		PS-E1/2/3, F12/3 ESS-A1/2/6, C3/4/5 SE-C3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3 5-H6
		2. Understanding other sources of energy (ethanol, solar, etc.)		SE-A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6, ESS-A1/2/6, C3/4/5 PS-E1/2/3, F1, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3 5-H6
		3. Discussing issues related to federal and state regulation of energy sources		SE-C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	C. Mathematics in agriscience technology	1. Explaining and applying whole numbers, fractions, decimals and percentages in standard and metric form	M1/2/3/4 N1/4/5/6		1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3 5-H6
		2. Explaining and solving problems involving perimeter, area, volume, ratio, and proportion	M1/2/3/4 N1/4/5/6 D1/2 G1/2/6		1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3 5-H6

		3. Using various measuring devices	M1/2/3/4 N1/2/3/4/5/6/7		1-H1/3/4/5 5-H6
	D. Agriscience welding technology	1. Identifying careers and appropriate work behavior in the welding industry			1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4/5/6 5-H6
		2. Identifying and applying skills in welding safety			1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3 5-H6
		3. Demonstrating basic competencies needed for applying welding skills	M1/2/3/4 G4/6 N3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	
		4. Demonstrating shielded arc welding skills (stick)	G4/6 M1/3/4 N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	
		5. Describing and applying the different gas metal arc welding technology (wire feed welding), including short arc, flux core and inner shield	G4/6 M1/3/4 N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	2-H4/5 4-H1/2/3
		6. Explaining the concepts, process and purpose of tungsten inert gas welding (TIG)	N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	3 1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3/4
		7. Explaining and demonstrating the concepts, process and purposes of plasma arc cutting	M1/3/4 N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3/4
		8. Identifying and applying the safe set up, lighting, adjusting and usage of oxyfuel equipment	M1/3/4 N3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
	E. Agricultural structures and facilities	1. Planning, estimating and using building components in agricultural construction	M1/2/3/4 G1 D7 N1/3/4/5/6/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
		2. Developing skills in estimating and applying paints	M1/2/3/4 G1 D7 N1/3/4/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
		3. Developing skills in selection and use of surveying equipment	M1/2/3/4 G1/6 D7 N1/3/4/5/7		1-H1/3/4/5 3-H1/2/3 4-H1/2/3/4 5-H6
		4. Developing skills in planning, estimating and installing agricultural plumbing and/or irrigation systems	M1/2/3/4 G1/6 D7 N1/2/3/4/5/6/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
		5. Developing skills in planning, estimating and placing concrete	M1/2/3/4 G1/6 D7 N1/2/3/4/5/6/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§731. Annual Report/Plan for Louisiana Agriscience/Agribusiness/FFA**

A. To be completed and submitted to Agriscience/Agribusiness/FFA Program Manager annually by July 1

Date:	
To:	One copy submitted to AgEd/FFA State Office One copy submitted to school principal, local education authority supervisor Optional: copy to local superintendent, school board members, sponsors, parents, students, other interested individuals
From:	
School:	
Why:	Provide summary of year's activity, document program performance, highlight accomplishments, and present goals for next year

B. Mission Statement for Agriscience/Agribusiness/FFA Program. The Mission of the Agriscience/Agribusiness/FFA Program is to prepare and support individuals for careers; build awareness of and develop leadership for the food, fiber and natural resource systems; and sustain the viability of earth and people through education in agriculture. We value and desire to achieve this mission by:

1. providing instruction in and about agriscience, agribusiness, food and natural resource systems;
2. serving all populations;
3. developing the whole person;
4. responding to the needs of the economic and educational marketplace;

C. Certification of Authenticity

I/We hereby certify that the enclosed Annual State FFA Plan/Report and the information contained herein are true and accurate to the best of my/our knowledge.

Agriscience/Agribusiness/FFA  
Teacher Name(s)  
(Print or Type)

Ag. Certified (Yes or No)

Signature(s)

Date

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Approved: \_\_\_\_\_  
Principle

Approved: \_\_\_\_\_  
LEA Supervisor

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§733. Program Activities**

Performance past year	Activity	Next year's goals	Comments
1	Course Enrollment:		
2	Grade 6-8 Courses:		
3	Exploratory Agriscience		
4	1 Carnegie Unit Courses:		
5	Agriscience/Agribusiness I		
6	Agriscience/Agribusiness II		
7	Agriscience/Agribusiness III		
8	Agriscience/Agribusiness IV		
9	Agriscience Lab III		
10	Agriscience Lab IV		
11	2 Carnegie Unit Courses:		
12	Cooperative Agricultural Education (Note: must be taken with Agriscience III or IV)		
13	1/2 Carnegie Unit Courses:		
14	Agricultural Entrepreneurship		
15	Agricultural Construction		
16	Agricultural and Environmental Applications		
17	Animal Production		
18	Crop Production		
19	Equine Science		
20	Food and Fiber Systems		
21	Forestry		
22	Horticulture		
23	Introduction to Aquaculture		
24	Introduction to Agribusiness		

25	Personal Development		
26	Small Engines		
27	Welding		
28	Approved Special Electives:		
29			
30			
31	Total enrollment (duplicated count)		
32	Total enrollment (unduplicated count):		
33	Grades 9-12		
34	Grades 7-8		
35	# of chartered FFA chapters in your school (Gold and Blue)		
36	# of FFA chapter meetings held		
37	# of dues paying FFA members:		
38	Grades 9-12		
39	Grades 7-8		
40	# of FFA members receiving the Greenhand Degree		
41	# of FFA members receiving the Chapter FFA Degree		
42	# of FFA members applying for the State FFA Degree		
43	# of FFA members nominated for American FFA Degree		
44	# of local FFA proficiency awards earned by students		
45	# of state FFA proficiency awards earned by students		
46	# of FFA members attending Louisiana FFA convention		
47	# of FFA members attending National FFA Convention		

48		# of students engaged in a supervised agricultural experience program (SAEP): <----Enter totals from next 8 lines here.---->		
49		# who own/operate animal program		
50		# who own/operate plant program		
51		# who own/operate agriculture business		
52		# who work in an animal program		
53		# who work in a plant program		
54		# who work in an agribusiness		
55		# who work in the school labs		
56		# who have no SAEP		
57		# of students visited in conducting 12 month program		
58		# of students exhibiting livestock:		
59		Local show(s)		
60		District show		
61		State show		
62		# of students participating in Food for America Program		
63		# of students participating in PALS Program		
64		# of students participating in Area Camp		
65		# of students participating in Washington Leadership Conference		
66		# of students participating in Made for Excellence Program (MFE)		
67		# of students attending chapter banquet		
68		# of students applying for Superintendent's or Governor's Awards for livestock production		
69		# of students on the honor roll		
70		# of community members used in classes		
71		# of field trips conducted		
72	Public relations:			

73		# of elementary school programs conducted		
74		# of middle-school programs conducted		
75		# of activities conducted for other high school programs		
76		# of open houses or community days held		
77		# of AgEd/FFA program advisory council meetings conducted		
78		# of community improvement projects completed		
79		# of TV news stories aired about this program		
80		# of radio news programs aired about this program		
81		# of state/national newspaper stories printed about this program		
82		# of local newspaper stories printed about this program		
83		# of student speaking engagements about this program		
84		# of displays promoting this program		
85	yes no	Did your chapter apply for the AgEd/FFA Student Award?	yes no	
86	yes no	Did you apply for the AgEd/FFA Teacher Award?	yes no	
87	yes no	Did you apply for the Outstanding Young Teacher Award?	yes no	
88	yes no	Did your chapter apply for the Livestock Exhibition Award?	yes no	
89	yes no	Did you participate in the LVATA/SDE inservice for AgEd/FFA teachers?	yes no	
90	yes no	Did your FFA chapter apply for a National Chapter Award?	yes no	

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §735. Career Development Events

Indicate ( / ) your Chapter's HIGHEST level of participation in the following activities.

Event	Local	Sub-district	District	Area	State	National
1 Contests:						
2 Dairy Cattle						
3 Dairy Products						
4 Electricity						
5 Farm Business Management						
6 Floriculture						
7 Forestry						
8 Horse Judging						
9 Livestock Judging						
10 Meats Judging						
11 Nursery/Landscape						
12 Poultry						

13	Small Engines						
14	Soils Judging						
15	Welding						
16	Leadership Events:						
17	Extemporaneous Speaking						
18	Prepared Public Speaking						
19	Gulf Of Mexico Prepared Public						
20	Speaking						
21	Parliamentary Law						
22	FFA Officer Candidate(s)						

List Your 5 Major Accomplishments for This Year.

- 1.
- 2.
- 3.
- 4.
- 5.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 106 Agricultural Education  
Content Standards Curriculum Framework**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed policy will provide Agricultural Education standards. It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units. The LEA may choose to offer new courses to students that may require purchasing items such as new textbooks, instructional materials or equipment. Each LEA will make their determination.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections by state/local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

The proposed standards will assist teachers in developing lessons that will prepare Agricultural Education students in attaining vocational skills for the workplace.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

Employers could have a larger, trained qualified pool from which to select employees.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#095

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 107 Health Occupations Content Standards  
Curriculum Framework (LAC 28:LXIX.Chapters 1-9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the adoption of *Bulletin 107 Health Occupations Content Standards Curriculum Framework*. Bulletin 107 will be printed in codified format as Part LXIX of the Louisiana Administrative Code. The proposed Health Occupations standards will assist teachers in preparing students for the workplace. The action is being proposed to provide Health Occupations standards.

**Title 28  
EDUCATION**

**Part LXIX. Bulletin 107 Health Occupations Content  
Standards Curriculum Framework**

**Chapter 1. General**

**§101. Introduction**

A. Health Occupations Education in Louisiana is composed of subject matter and clinical learning experiences designed to prepare students with competencies required to assist qualified health professionals in providing diagnostic, therapeutic, preventive, and rehabilitative services to patients in health care facilities and in the community. Like many states, Louisiana is facing a shortage of health care professionals, particularly in rural areas. Training nurses, doctors, dentists, and allied health professionals requires students who have an interest in science and technology and who enjoy working with people. Health care offers an array of career opportunities that is continually expanding.

B. The health occupations education programs vary throughout the state, but they can be grouped into the following occupational cluster areas: Allied Health, Dental, Emergency Medical Services, Medical Information Systems, Nursing, and Physician Services. Clinical articulations among educational institutions and health care facilities are integral and critical components of these educational programs. There is an effective integration of didactic and clinical learning which is a result of contract affiliations among the secondary educational institutions and the health care agencies.

C. Both nationwide and statewide, there are regulations that have been established and administered as a means of safeguarding the public against unqualified health care workers. These regulatory procedures include certification,

registration, and licensure in certain health occupations. There are several industry-based certifications taught within the secondary education system: nursing assistant, emergency first responder, dental radiology (certification received in dental assistant course), professional provider CPR, and OSHA certification (dental assistant course). These students, who obtain certification upon completion of various health science related courses, are essentially employable upon their meeting the mandated course criteria and skill standards. Requiring high standards in all areas of education supports efforts to improve and enhance education in Louisiana. What teachers teach and how they teach should be organized around established standards, while student assessment should be based on benchmarks relating to these standards. For health science education at the secondary level, industry specific skill standards based on National Health Care Skill Standards (NHCSS) have been designed. This document provides a guideline to be utilized by school systems throughout the state in the development of local curricula. Based upon approved curricula, course content, instruction, and assessment, methods should be approached by the individual teacher at the school level.

D. The hierarchal framework for development of these standards includes the following: subject area, strands, standards, benchmarks, and suggested exemplar performance activities. *Health Occupations* is the *subject area* or content area for this document. A *strand* is a category of knowledge as it applies to a specific subject area. *Standards* are described as general statements of expected learner achievement within each strand. A *benchmark* describes learner expectations: that is, what a student should know and be able to do. Exemplars of things a student could do to demonstrate achievement of the benchmark are sample *performance activities*. The hierarchal structure overview is as follows.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§103. Hierarchic Structure of Subject Area**

A. Strands, Standards, Benchmarks, and Performance Activities

	<b>Definition</b>	<b>Example</b>
<b>Subject Area</b>	domain or content area	Health Occupations
<b>Strand</b>	major category	1.0 Communication
<b>Standard</b>	description of what students should know and be able to do through subject matter, knowledge, and proficiencies gained as a result of their education	2.1 Health Occupations students will use appropriate verbal and nonverbal communication to establish an effective therapeutic relationship.
<b>Benchmark</b>	broad statement of process and/or content that is used as a reference to develop curriculum and to assess student progress	5. Adapt to individual needs, including paraphrasing or translating.
<b>Sample Performance Activity</b>	exemplar of things students could do to demonstrate achievement of the benchmark	Students will role play situations in which they must provide information to a variety of clients

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§105. Louisiana Content Standards Foundation Skills\***

A. The following foundation skills have been identified as essential competencies needed to meet the demands of the classroom and the world beyond. These skills apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving. The identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship. The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§107. Information Literacy Model for Lifelong Learning\***

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of

technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as a part of a team. Therefore, information literacy, the ability to recognize an information need, and then locate, evaluate, and use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learning is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing:** The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources:** After students have decided what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording:** Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. **Processing Information:** After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information:** Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§109. The Role of Skill Standards in Education and Workforce Preparation**

A. In the face of a thriving global economy, expectations for workforce preparation have shifted over the past decade. At least two factors are influencing the shift. The first is that

today's complex workplace demands workers who are more flexible and more highly skilled than ever before. The second is a fear that the U.S. may be losing its competitive edge to nations that are more successful in training their workforce to meet high-level standards.

B. Concerns over workforce preparation have been echoed by worries about educational achievement. An alarm bell sounded in the 1980's when the U.S. Department of Education report, *A Nation at Risk*, alerted the country to the need to upgrade academic achievement levels and set a broad program for doing so. The response to this and other critical documents was a new national reform effort represented by several reports and pieces of legislation, such as *America 2000: An Education Strategy* (which set goals for students to acquire "world class" academic and career preparation skills as a means of enhancing national economic well-being) and the *Carl D. Perkins Vocational and Applied Technology Education Act of 1990* (which initiated federal efforts to reshape vocational education). Another closely related reform initiative is represented by the U.S. Department of Labor's 1991 report from its *Secretary's Commission on Achieving Necessary Skills* (SCANS). The SCANS report expressed concerns that American students lack basic academic skills, knowledge about the work world, and the ability to adjust to a changing environment. The report set forth standards deemed necessary for success in a high performance workplace: i.e., the modern workplace characterized by teamwork and a goal orientation. SCANS laid much of the groundwork for a national movement promoting the use of voluntary skill standards. The standards developed by the National Health Care Skills Standards Project overlap with SCANS, but they are specific to the health services industry (Table 1).

C. Concern about the effectiveness of schools in preparing students for the workplace led to increasing calls for greater accountability. In turn, this concern also led to an emphasis on the development of skill standards, which have become the focus of numerous national and state initiatives. For example, the *Goals 2000: Educate America Act* called for states to develop challenging standards systems. It further established a National Skills Board to oversee the development and use of national skill standards. In summary, well articulated skill standards are key to the national strategy to upgrade worker skills and increase American economic competitiveness. With the utilization of skill standards, educators and industry can work together to produce work-ready, entry-level employees whose efficiency, productivity, and flexibility will compete favorably in the global market.

D. Table 1. Summary of SCANS Employability Skills and the National Health Care Core Skill Standards SCANS Foundation Skills SCANS Competencies: Ability to Use.



Health Care Core Standards	Basic Skills	Thinking Skills	Personal Qualities	Resources	Inter-Personal Skills	Information	Systems	Technology
Academic Foundation	*	*				*	*	
Communication	*	*	*		*	*		
Systems		*		*	*		*	
Employability Skills	*	*	*		*			*
Legal Responsibilities		*	*			*	*	
Ethics		*	*	*	*	*	*	
Safety Practices	*	*	*	*				*
Teamwork	*	*	*	*	*		*	

\*indicates areas where NHCSSP core standards overlap with SCANS, but are specific to the health services industry

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§111. SCANS Foundation Skills and Workplace Competencies**

A. Listed below are the foundation skills and workplace competencies identified by the SCANS commission and published in its first report, *What Work Requires of Schools: A SCANS Report for America 2000*, a publication of the U.S. Department of Labor, June 1991. Health Occupations educators are encouraged to incorporate the SCANS skills and competencies throughout the curriculum.

1. SCANS Three-Part Foundation Skills

Personal Qualities Displays	responsibility, self-esteem, sociability, selfmanagement, and integrity and honesty
Responsibility	exerts a high level of effort and perseveres toward goal attainment through high standards, attention to details, work, concentration and high standards of attendance, punctuality, enthusiasm, vitality, and optimism
Self-Esteem	believes in own self-worth and maintains a positive view of self
Sociability	demonstrates understanding, friendliness, adaptability, empathy, and politeness in group settings
Self-Management	assesses self accurately, sets personal goals, monitors progress, and exhibits self-control
Integrity/Honesty	can be trusted and chooses an ethical course of action

2. Five Workplace Competencies

Basic Skills	Reads, writes, performs arithmetic and mathematical operations, listens, and speaks
Reading	locates, understands, and interprets written information in prose and in documents such as manuals, graphs, and schedules to perform tasks
Writing	communicates thoughts, ideas, information, and messages in writing; and creates documents such as letters, directions, manuals, reports, graphs, and flow charts
Arithmetic/Mathematics	performs basic computations and approaches practical problems by choosing appropriately from a variety of mathematical techniques
Listening	receives, attends to, interprets, and responds to verbal messages and other cues
Speaking	organizes ideas and communicates oral messages appropriate to listeners and situations
Thinking Skills	Thinks creatively, makes decisions, solves problems, visualizes, knows how to learn, and reasons
Creative Thinking	uses imagination freely, combines ideas or information in new ways, makes connections between seemingly unrelated ideas, and reshapes goals in ways that reveal new possibilities
Decision making	specifies goals and constraints, generates alternatives, considers risks, and evaluates and chooses best alternative
Problem Solving	recognizes problems, devises and implements plan of action, evaluates and monitors progress, and revises plan as indicated by findings
Seeing Things in the Mind's Eye	organizes and processes symbols, pictures, graphs, objects, and other information
Knowing How to Learn	uses efficient learning techniques to acquire and apply new knowledge and skills in both familiar and changing situations
Reasoning	discovers a rule or principle underlying the relationship between two or more objects and applies it when solving a problem

Resources	Identifies, organizes, plans, and allocates resources
Time	selects goal-relevant activities, ranks them, allocates time, and prepares and follows schedules
Money	uses or prepares budgets, makes forecasts, keeps records, and makes adjustments to meet objectives
Material and Facilities	acquires, stores, allocates, and uses materials or space efficiently
Human Resources	assesses knowledge and skills and distributes work accordingly, evaluates performance, and provides feedback
Interpersonal	Works with others
Participates as Member of a Team	works cooperatively with others and contributes to group effort
Teaches Others New Skills	helps others learn
Serves Clients/Customers	works to satisfy customers' expectations
Exercises Leadership	communicates ideas to justify position, persuades and convinces others, and responsibly challenges existing procedures and policies
Negotiates	works toward agreements involving exchange of resources, resolves divergent interests
Works with Diversity	works well with men and women from diverse backgrounds
Information	Acquires and uses information
Acquires and Evaluates Information	identifies need for data, obtains or creates data, and evaluates their relevance and accuracy
Organizes and Maintains Information	organizes, processes, and maintains written or computerized records and other forms of information in a systematic fashion
Interprets and Communicates Information	selects and analyzes information and communicates the results to others

Uses Computers to Process Information	employs computers to, acquire, organize, analyze, and communicate information
Systems	Understands complex interrelationships
Understands Systems	knows how social, organizational, and technological systems work and operates effectively with them
Monitors and Corrects Performance	distinguishes trends, predicts impacts on system operations, diagnoses deviations in systems' performance, and corrects malfunctions
Improves or Designs Systems	suggests modifications to existing systems and develops new or alternative systems to improve performance
Technology	Works with a variety of technologies
Selects Technology	chooses procedures, tools, or equipment including computers and related technologies to produce the desired results
Applies Technology to Task	understands overall intent and proper procedures for setup and operation of equipment
Maintains and Troubleshoots Equipment	prevents, identifies, or solves problems with equipment, including computers and other technologies

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### Chapter 3. National Health Care Skill Standards Project

#### §301. Background Context

A. The National Health Care Skill Standards Project brought together an innovative group of health, industry, labor, and educational organizations to develop skill standards for health care workers. The project, conducted in 1992–1996, was directed by WestEd (formerly Far West Laboratory). As one of the original 22 pilot projects sponsored by the U.S. Department of Labor and Education to identify skill standards for different industries, WestEd partnered with a host of organizations, including the National Consortium of Health Science and Technology Education, the Service Employees International Union, and over 100 industry and education organizations. These diverse groups were convened with the goal of improving the nation's health care system by identifying and disseminating information on those skills required to deliver high quality health care.

B. Over the past 10 years, health care has been one of the nation's fastest growing industries, currently accounting for approximately 13 percent of the U.S. Gross Domestic Product. According to recent reports of the Bureau of Labor Statistics, over nine percent of the total workforce is employed in the health care field. Rapid technological and biomedical advances have made the U.S. health care system the finest in the world. Yet it faces many challenges in the decades ahead, including an increasingly diverse client population, remodeled delivery systems, and new technology. To meet such challenges, health services of tomorrow must be radically different from those of today. Inpatient care will come to mean "intensive care." If current trends continue, most care will be delivered in outpatient centers or even in the client's home.

C. The decade of the 1990's has brought increasing awareness that revisions in health care delivery and financing are needed. Health care reform proposals have

been written at the national, state, and organizational levels all across the nation. The ultimate goal is to deliver quality care at a price society can afford. To achieve this goal, one element of health care reform stands out as fundamental and essential: the education and training of the nation's over 10 million health care workers. Their level of knowledge and skill is critical. The National Health Care Skills Standards Project was a cooperative effort that resulted in national standards for the health care industry. These standards describe skills essential and appropriate for workers in health services. Furthermore, it has provided important information on how these standards can be tailored and implemented for local use in a variety of industry and educational applications. Educational institutions can apply the standards as a framework for linking academic curricula to actual teaching practices, school-to-work, secondary education to post-secondary education, and students to their community. In using the standards to develop curricula and assessments, educators can be confident that their students are well-prepared to find jobs and to be successful in building careers.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### §303. Standards for All Health Care Workers

A. The National Health Care Skill Standards are a broad set of standards that serve as a foundation for occupations and functions across the health services. These standards specify the knowledge and skills that the vast majority of health care workers should have. They are as follows:

1. Health care workers will know the academic subject matter required for proficiency within their area. They will use this knowledge as needed in their role.
2. Health care workers will know the various methods of giving and obtaining information. They will communicate effectively, both in speaking and in writing.
3. Health care workers will understand how their role fits into their department, their organization, and the overall health care environment. They will identify how key systems affect services they perform and quality of care.
4. Health care workers will understand how employability skills enhance their employment opportunities and job satisfaction. They will demonstrate key employability skills and will maintain and upgrade skills, as needed.
5. Health care workers will understand their legal responsibilities, limitations, and the implications of their actions within the health care delivery setting. They will perform their duties according to regulations, policies, laws, and legislated rights of clients.
6. Health care workers will understand accepted ethical practices with respect to cultural, social, and ethnic differences within the health care environment. They will perform their duties within established ethical guidelines, supporting sensitive and quality health care delivery.
7. Health care workers will understand the existing and potential hazards to clients, coworkers, and self. They will prevent injury or illness through safe work practices and follow health and safety policies and procedures.

8. Health care workers will understand the role and responsibilities of individual members as part of the health care team, including their ability to promote the delivery of quality health care. They will interact effectively and sensitively with all members of the health care team.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§305. Standards for Direct Client Care**

A. These standards apply to therapeutic and diagnostic occupations and functions. The standards focus, for the most part, on direct client care.

1. Therapeutic and diagnostic workers will understand the fundamentals of wellness and the prevention of disease processes. They will encourage the practice of preventive health behaviors among their clients.

2. Therapeutic and diagnostic workers will understand how to explain planned procedures and goals to clients. They will use various strategies to respond to client's questions and concerns.

3. Therapeutic and diagnostic workers will understand how to communicate client information within a team. They will convey this information to appropriate team members in a timely manner.

4. Therapeutic and diagnostic workers will understand the process for monitoring client health status. They will assess health status according to respective professional standards and report results to the treatment team.

5. Therapeutic and diagnostic workers will understand the principles of body mechanics for positioning, transferring, and transporting clients. They will perform these activities efficiently and without injury to clients or self.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§307. Standards for Therapeutic Cluster**

A. These standards apply to occupations or functions involved primarily in changing the health status of the client over time. The standards specify the knowledge and skills that the worker in the therapeutic cluster should have.

1. Therapeutic workers will understand the facility protocol and guidelines for collecting data.

2. They will participate in identifying client health care needs, strengths and problems, and report results.

3. Therapeutic workers will understand the general purpose and components of the treatment plan. They will assist in planning procedures according to facility protocol.

4. Therapeutic workers will understand the procedures within their scope of practice and the ways that these procedures relate to the goals and objectives of the treatment plan. They will complete procedures accurately and in a timely fashion, supporting the treatment team.

5. Therapeutic workers will know the client's needs, strengths, and problems. They will assist in the evaluation of client status in order to determine whether treatment goals are being reached.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§309. Standards for Diagnostic Cluster**

A. These standards apply to occupations or functions involved primarily in creating a picture of the health status of the client at a single point in time. The standards specify the knowledge and skills that the worker in the diagnostic cluster should have.

1. Diagnostic workers will understand the components and implications of requests for procedures. They will read the requests for services and plan when and how to implement the services.

2. Diagnostic workers will know the steps of procedural set-ups. They will prepare the supplies, equipment, and client for procedures, according to facility protocol.

3. Diagnostic workers will understand the logic and sequences of the procedures, including alternative methods. They will perform procedures to create precise and accurate products.

4. Diagnostic workers will understand the principles of quality assurance. They will continuously evaluate the procedures and their products.

5. Diagnostic workers will understand the need for precise, accurate, and timely reporting. They will produce and report results using appropriate communication channels.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§311. Standards for Information Services Cluster**

A. These standards apply to occupations or functions that document client care. The standards specify the knowledge and skills that workers in the information services cluster should have.

1. Information service workers will know the quantitative and qualitative requirements for client information. They will analyze that information for various purposes.

2. Information service workers will know how to read and interpret a medical record, using knowledge of medical terminology. They will extract required information from the medical record.

3. Information service workers will understand the sources, routes, and flow of information within the health care environment. They will contribute to the design and implementation of new or revised systems or processes within their scope of work.

4. Information service workers will understand the content and multiple uses of health information. They will document appropriate information.

5. Information service workers will understand the operations used to enter, retrieve, and maintain information. They will use health information equipment and materials safely and efficiently in daily operations.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§313. Standards for Environmental Services Cluster**

A. These standards apply to occupations or functions involving direct or indirect client care that create a therapeutic environment for providing that care. The standards specify the knowledge and skills that workers in the environmental services cluster should have.

1. Environmental service workers will understand the responsibilities of their assigned role. They will perform their tasks safely, following established internal and external guidelines.

2. Environmental service workers will know the work practices that maintain a clean and healthy environment. They will follow recommended practices to reduce or eliminate pathogenic organisms.

3. Environmental service workers will understand the principles and techniques of resource management. They will ensure the careful use of available resources to make timely decisions.

4. Environmental service workers will understand the importance of maintaining an environment that is aesthetically appealing. They will uphold facility standards for service, maintenance, and upkeep.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 5. Curriculum**

**§501. Curriculum Development and Design**

A. Job restructuring is a fact of life in today’s continually changing health care industry. New health care roles demand a higher level of skill than ever before. Anticipating the increasing breadth of knowledge required by health care workers, the National Health Care Skills Standards Project developed standards that have been broadly drawn and that reflect higher-order thinking and performance skills. To train future health care workers to meet these standards, educators in all settings must rethink the ways in which they design curricula and courses.

B. Since the NHCSSP standards are neither basic skills checklists nor duty-task lists, but are instead broad statements of what students should know and be able to do to provide quality health care, they provide a template or starting point for the development and design of curriculum. Suggested steps for standards-based curriculum design are as follows:

1. establish project goals;
2. examine the standards;
3. consult with industry and labor partners;
4. investigate existing materials;
5. identify learning outcomes;
6. create course outline;
7. create individual lesson plans.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§503. Health Occupations Strands and Standards Overview**

**A. Health Occupations Strands**

- Strand 1.0 Academic Foundation
- Strand 2.0 Communication
- Strand 3.0 Health Care Systems
- Strand 4.0 Employability Skills
- Strand 5.0 Ethics and Legal Responsibilities
- Strand 6.0 Safety Practices/Infection Control
- Strand 7.0 Interpersonal Skills and Teamwork
- Strand 8.0 Procedure Implementation

Strands	Standards
1. Academic Foundation	1.1 Health occupations students will know the subject matter required for proficiency within their area and utilize this knowledge as needed in their role.
2. Communication	2.1 Health occupations students will use appropriate verbal and nonverbal communication to establish an effective therapeutic relationship.
3. Health Care System	3.1 Health occupations students will understand how their role fits into the overall health care environment. 3.2 Health occupations students will identify how key systems affect services performed and quality of care.
4. Employability Skills	4.1 Health occupations students will understand how employability skills enhance their employment opportunities and career satisfaction. 4.2 Health occupations students will demonstrate key employability skills and will maintain and upgrade skills as needed.
5. Ethics and Legal Responsibilities	5.1 Health occupations students will understand their legal responsibilities, limitations, accepted ethical practices, and the implications of their actions within the health care environment. 5.2 Health occupations students will perform their duties according to regulations, policies, laws, ethical codes, and legislated rights of patients, residents, and clients.
6. Safety Practices/ Infection Control	6.1 Health occupations students will understand the rationale, regulations, recommendations, and training that govern safety practices and infection control in health care facilities. 6.2 Health occupations students will prevent injury or illness by following approved health and safety policies and procedures.
7. Interpersonal Skills and Teamwork	7.1 Health occupations students will understand the role and responsibilities of each member of the health care team and interact professionally.
8. Procedure Implementation	8.1 Health occupations students will perform procedures within their scope of career-specific practice, utilizing criteria as established by governmental agencies and industry-specific standards.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§505. Strand 1.0: Academic Foundation**

A. Standard 1.1 Health Occupations students will know the subject matter required for proficiency within their area and utilize this knowledge as needed in their role.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Read and write proficiently. 2. Interpret charts, graphs, reports, and manuals.* 3. Perform mathematical operations, including computations and conversions, weights and measures.* 4. Master use of health care terminology, symbols, and abbreviations specific to career area. 5. Apply knowledge of life sciences such as biology, anatomy and physiology, chemistry, physics, and human growth and development.* 6. Utilize knowledge of disease processes relating to body systems.* 7. Research the history and current trends specific to career health occupations. 8. Identify career challenges, responsibilities, and specific health occupations skills	ELA 1-1, 2, 3, 4, 5 2-3, 4, 5, 6 3-1, 2, 3 5-1, 2, 3, 4, 6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 2, 3, 4 M-1, 2, 4 G-6 D-1, 2, 3, 6, 7, 8, 9 P-2, 3, 4 Science PS-A2, C1, D7 LS-A1, B2, C6, C7, E3, F1, F2, F4, G1, G2, G3, G4, G5 SE-A11 Social Studies E-A-3 E-C-3 H-A-2, 5	1, 2, 3, 4, 5

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§507. Strand 2.0: Communication**

A. Standard 2.1 Health Occupations students will use appropriate verbal and nonverbal communication to establish an effective therapeutic relationship.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Recognize the importance of effective communication. 2. Evaluate others' ability to communicate and comprehend.* 3. Demonstrate a knowledge of attitudes and behaviors that act as communication barriers. 4. Identify elements necessary for meaningful communication to take place. 5. Adapt to individual needs, including paraphrasing or translating.* 6. Demonstrate an understanding of multicultural and multilingual needs and capabilities.* 7. Use tools of communication specific to each facility's policy and procedures. 8. Access and process electronically produced information. 9. Practice confidentiality in all facets of communication.*	ELA 3-1, 2 4-1, 2, 3, 4, 5, 6 5-4 7-1, 2 Math N-1, 2, 3, 4, 5, 7 A-1, 3, 4 M-4 D-2, 7, 8 Science SI-A3, A6, B3, B5 ESS-D7 SE-D2 Social Studies G-B-2 G-C-6 H-B-7, 16, 17 H-C-3	1, 2, 3, 4, 5

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§509. Strand 3.0: Health Care Systems**

A. Standard 3.1 Health Occupations students will understand how their role fits into the overall health care environment.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Explain the organizational structure in health care facilities. 2. Utilize facility resources, staff, policy, and procedure manuals.* 3. Participate in career and technological student organizations, such as VICA and HOSA.	ELA 1-1, 2, 3, 4, 5 4-1, 2 5-1, 2, 6 7-1, 4 Math D-3, 8 Science LS-C5, D3, E3 SE-A7, A10 Social Studies C-A-1, 4, 7 C-B-1 C-D-3, 4	1, 2, 3, 4, 5

B. Standard 3.2 Health Occupations students will identify how key systems affect services performed and quality of care.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills
1. Explain the array of services available to clients, patients, and residents. 2. Identify methods of reimbursements affecting the quality of health care delivery.	ELA 1-1, 3, 4, 5 4-1, 2, 4, 6 5-2 7-1, 2, 4 Math M-4 D-7, 8, 9 Science SI-B3 LS-D3, D4, G4, G5 SE-A10 Social Studies E-A-1, 4, 7 E-B-1, 2, 3 E-C-4	1, 2, 3, 4, 5

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§511. Strand 4.0: Employability Skills**

A. Standard 4.1 Health Occupations students will understand how employability skills enhance their employment opportunities and career satisfaction.

<b>Benchmarks *Denotes benchmarks that encourage critical thinking.</b>	<b>Academic Cross-References</b>	<b>Louisiana Foundation Skills</b>
1. Research various health occupations, career opportunities, employer expectations, and employment outlook. 2. Investigate various health occupations career options and educational requirements. 3. Contrast certification, registration, and licensure.*	ELA 1-1, 2, 3, 4, 5 2-1, 2, 3, 4 3-1, 2, 3 4-1, 4 5-1, 2, 3, 4, 5 7-4 Math A-1 D-1, 3, 8 Science SI-A1, A2, A3, B3, B5 LS-D3 SE-A10 Social Studies E-A-3 E-B-2, 6 H-C-15	1, 2, 3, 4, 5

B. Standard 4.2 Health Occupations students will demonstrate key employability skills and will maintain and upgrade skills as necessary.

<b>Benchmarks *Denotes benchmarks that encourage critical thinking.</b>	<b>Academic Cross-References</b>	<b>Louisiana Foundation Skills</b>
1. Utilize analytical skills to solve problems and make decisions regarding employment.* 2. Exhibit personal skills, such as attendance, time management, and individual responsibility. 3. Demonstrate professional conduct, integrity, and appearance. 4. Acquire technology skills. 5. Practice flexibility in adapting to changing situations. 6. Develop and complete professional portfolio.	ELA 1-1, 2, 3, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5 7-1, 2 Math N-1, 2 M-4 D-1, 8 Science SI-B3 LS-D3 SE-B4, B5, B6 Social Studies G-B-4 C-A-1, 4 E-A-6 H-C-15	1, 2, 3, 4, 5

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §513. Strand 5.0: Ethics and Legal Responsibilities

A. Standard 5.1 Health Occupations students will understand their legal responsibilities, limitations, accepted ethical practices, and the implications of their actions within the health care environment.

<b>Benchmarks *Denotes benchmarks that encourage critical thinking.</b>	<b>Academic Cross-References</b>	<b>Louisiana Foundation Skills</b>
1. Understand malpractice, negligence, and other liability issues. 2. Demonstrate an understanding of the importance of the Patient's Bill of Rights and Code of Ethics.* 3. Contrast "Scope of Practice" for specific careers. 4. Recognize the significance of patients', residents', and clients' confidentiality.*	ELA 1-1, 3, 4, 5 3-2 4-1, 4, 6 5-2, 3 Science LS-D3, F3, F4 SE-A10 Social Studies C-A-5 D-1, 2, 3	1, 2, 3, 4, 5

B. Standard 5.2 Health Occupations students will perform their duties according to regulations, policies, laws, ethical codes, and legislated rights of patients, residents, and clients.

<b>Benchmarks *Denotes benchmarks that encourage critical thinking.</b>	<b>Academic Cross-References</b>	<b>Louisiana Foundation Skills</b>
1. Operate within the scope of practice.* 2. Comply with legal requirements for documentation. 3. Report any activity that adversely affects the health, safety, or welfare of clients or fellow workers. 4. Recognize and respect the patient's rights associated with religious and cultural differences. 5. Promote justice and equal treatment for all persons. 6. Maintain patient confidentiality.	ELA 1-3 2-1, 2, 4 3-1, 2, 3 7-1, 2, 4 Science LS-G1, G2, G4, G5 SE-A10, A11, C2, C3, C4, C5 Social Studies C-A-4, 5 D-1, 2, 3	1, 2, 3, 4, 5

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§515. Strand 6.0: Safety Practices/Infection Control**

A. Standard 6.1 Health Occupations students will understand the rationale, regulations, recommendations, and training that govern safety practices and infection control in health care facilities.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills
1. Identify the functions of OBRA, OSHA, and other governing agencies. 2. Describe OSHA mandates and Standard Precautions to control the spread of infection and prevent injury. 3. Identify principles for proper body mechanics for patient and self. 4. Identify proper procedures in the event of fire and other emergencies.	ELA 1-1, 3, 4 2-1, 2, 3, 4, 5 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 3, 4, 6 7-1, 2 Math N-1 A-1 M-1, 4 Science SE-C5 PS-G4, F1, G3, D7 LS-C4, C7 SE-C1 Social Studies C-A-1, 2, 3, 4, 5, 7	1, 2, 3, 4, 5

B. Standard 6.2 Health Occupations students will prevent injury or illness by following approved health and safety policies and procedures.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills
1. Demonstrate standard precautions to control the spread of infection. 2. Safely operate commonly used equipment. 3. Demonstrate proper emergency procedures and protocols. 4. Apply the principles of proper body mechanics for patient and self. 5. Comply with pertinent regulatory guidelines.	ELA 1-1, 3, 4, 5 5-1 7-2, 4 Math N-1 A-1 M-4 Science PS-G4 LS-B2, B3, C4, C7, E3, G1, G3 ESS-D6 SE-D3 Social Studies C-A-1, 2, 4, 5 C-D-1, 2	1, 2, 3, 4, 5

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§517. Strand 7.0: Interpersonal Skills and Teamwork**

A. Standard 7.1 Health Occupations students will understand the role and responsibilities of each member of the health care team and interact professionally.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Respect interdisciplinary, cultural, and religious differences among team members and health care recipients. 2. Practice team membership skills, such as cooperation, leadership, and communication. 3. Effectively manage conflict within the workplace.* 4. Interact consistently within the facility guidelines and lines of authority.	ELA 1-1, 2, 3, 4, 5 2-1, 2 3-1, 2, 3 4-1, 2, 3, 4, 6 6-1 7-1, 2, 4 Math M-4 D-7, 8 Science SE-D1, D2 LS-F4 SE-A8, A10 Social Studies C-B-1, 3 C-C-2 H-A-1, 6 H-C-3	1, 2, 3, 4, 5

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§519. Strand 8.0: Procedure Implementation**

A. Standard 8.1 Health Occupations students will perform procedures within their scope of career-specific practice, utilizing criteria as established by governmental agencies and industry-specific standards.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Gather necessary equipment and supplies for specific procedure. 2. Perform procedures accurately in a timely manner. 3. Clean and properly maintain equipment and work area. 4. Document and report all actions, observations, and results of procedures to instructor/supervisor. 5. Make suggestions to supervisor regarding procedure modifications, if appropriate.*	ELA 1-3, 4, 5 2-2, 6 3-1, 2, 3 4-1, 2, 4, 6 5-1 7-2 Math N-1, 2, 3, 4, 5, 7 A-1 M-4 Science LS-D2, F3 SE-B5, C3, D2, D5, D6 Social Studies E-C-4 H-A-4, 5 H-B-3, 9, 16	1, 2, 3, 4, 5

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§521. Secondary Health Occupations Curriculum  
Course Titles**

Course Code Number	Course Title	Recommended Grade Level	Units	Bulletin
090100	Allied Health	9-12	1/2 or 3	1635
090201	Dental Assistant I	10-12 1, 2, or 3	1635	
090202	Dental Assistant II	11-12	2 or 3	1635
090211	Nursing Assistant/Geriatric Aide	9-12	1, 2, or 3	1635
090210	Pre-Nursing (Introduction to Nursing)	9-12	1, 2, or 3	1635
090212	Medical Office Assistant (Physician's Office)	9-12	1, 2, or 3	1635
090220	Home Health Aide	9-12	1, 2, or 3	1635
090600	Hospital Ward Clerk	9-12	1, 2, or 3	1635
090960	Medical Terminology for the Health Professional	9-12	1 or 2	1635
090931	Health Occupations General Cooperative	12	2 or 3	1635
090921	Health Services I	10-12	1, 2, or 3	1635
090922	Health Services II	11-12	1, 2, or 3	1635
090930	Introduction to Health Occupations I	9-12	1, 2, or 3	1635

090933	Introduction to Health Occupations II	9-12	1, 2, or 3	1635
090901	Introduction to Health Science I	9-12	1, 2, or 3	1635
090902	Introduction to Health Science II	10-12	1, 2, or 3	1635
090903	Introduction to Health Science III (Respiratory Therapy Assisting, Occupational Therapy Assistant, Physical Therapist Assisting)	12	1, 2, or 3	1635
090940	Introduction to Emergency Medical Technician (CPR)	9-12	1/2 or 1	1635
090950	Introduction to Health Insurance as a Career	10-12	1/2, 1, or 2	1635
090230	Psychiatric Aide	9-12	1/2, 1, or 2	1689
090962	Medical Specialties	9-12	1/2 or 3	1635

Note: Level I courses shall be prerequisites for Level II courses.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§523. Health Occupations Career Majors and Course Titles**

**A. Health Occupations Career Majors**

Course Titles	Allied Health	Dental	Emergency Medical Services	Medical Information Systems	Nursing	Physician Services
Allied Health	*		*	*		
Dental Assistant I		*				*
Dental Assistant II		*				*
Health Occupations Gen. Coop.	*	*	*	*	*	*
Health Services I	*	*	*	*	*	*
Health Services II	*	*	*	*	*	*
Home Health Aide	*		*	*		
Hospital Ward Clerk	*		*	*		
Intro. Emergency Medicine (CPR)	*	*	*		*	*
Intro. Health Science I	*	*	*	*	*	*
Intro. Health Science II	*	*	*	*	*	*
Intro. Health Science III	*	*	*	*	*	*
Intro. Health Insurance				*		
Intro. Health Occupation I	*	*	*	*	*	*
Intro. Health Occupation II	*	*	*		*	*
Medical Specialties	*	*	*	*	*	*
Medical Terminology	*	*	*	*	*	*
Medical Office Assisting			*		*	
Nursing			*		*	
Pre-Nursing	*					
Psychiatric Aide						

\*indicates courses in career major areas



AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

## Chapter 7. Referenced Content Standards

### §701. General

A. The Health Occupations Content Standards listed in this document were reinforced by cross referencing with academic standards in the areas of English-Language Arts, mathematics, science, and social studies. A comprehensive list of academic standards utilized, along with area specific codes, are listed below.

B.1. The five Louisiana Foundation Skills developed by the Louisiana Content Standards Task Force which apply to all students in all disciplines were also referenced in the Health Occupations Content Standards. The foundation skills are:

- a. communication;
- b. problem solving;
- c. resource access and utilization;
- d. linking and generating knowledge; and
- e. citizenship.

2. All referenced content area standards and benchmarks relate to students in grades 9-12.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §703. Area Specific Codes

A. English/Language Arts (ELA). The standard number is given; then the benchmark number.

B. Mathematics. The strand letter is given; then the benchmark number.

N Number and Number Relations

A Algebra

M Measurement

G Geometry

D Data Analysis, Probability, and Discrete Math

P Patterns, Relations, and Functions

C. Science. The strand letter is given; then the benchmark letter and number are given.

SI Science As Inquiry

PS Physical Science

LS Life Science

ESS Earth and Space Science

SE Science and the Environment

D. Social Studies. The strand letter is given; then the benchmark letter and number are given.

G Geography

C Civics

E Economics

H History

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §705. Standards

A. English Language Arts (ELA)

Standard One: Students read, comprehend, and respond to a range of materials using a variety of strategies for different purposes.

- 1—Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies

2—Analyzing the effects of complex literary devices and complex elements on a selection

3—Reading, responding to, and critiquing written, spoken, and visual texts

4—Interpreting texts to generate connections to real-life situations

5—Applying reading strategies to achieve a variety of objectives

Standard Two: Students write competently for a variety of purposes and audiences.

1—Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order

2—Focusing on information, concepts, and ideas that show an awareness of an intended audience and/or purpose

3—Applying the steps of the writing process, emphasizing revising and editing in final drafts

4—Using narration, description, exposition, and persuasion to develop various modes of writing

5—Recognizing and applying literary devices and various stylistic elements

6—Responding to text and life experiences as a basis for writing

Standard Three: Students communicate using conventional grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

1—Writing legibly

2—Using the grammatical and mechanical conventions of standard English

3—Spelling accurately using strategies and resources

Standard Four: Students demonstrate competence in speaking and listening as tools for learning and communicating.

1—Speaking intelligibly

2—Giving and following directions/procedures

3—Demonstrating a command of the features of speaking when giving prepared and extemporaneous presentations

4—Speaking and listening for a variety of audiences and purposes

5—Listening and responding to a wide variety of media

6—Participating in a variety of roles in group discussions

Standard Five: Students locate, select, and make use of information from a variety of texts, media, references, and technological sources.

1—Recognizing and using organizational features of printed text, other media, and electronic information

2—Locating and evaluating information sources

3—Accessing information and conducting research using outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics

4—Using available technology to produce, revise, and publish a variety of works

5—Citing references using various formats

6—Interpreting charts/graphs, tables/schedules, diagrams/maps, and organizational charts/flow-charts

Standard Six: Students read, analyze, and respond to literature as a record of life experiences.

1—Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups

2—Analyzing distinctive elements of ancient, American, British, and world literature

3—Identifying, analyzing, and responding to a variety of classic and contemporary literature from many genres

4—Analyzing various genres as records of life experiences

Standard Seven: Students apply reasoning skills to their reading, writing, speaking, listening, viewing, and visually representing.

1—Using comprehension strategies in all contexts

2—Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information

3—Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view

4—Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations

## B. Mathematics

(N) Number and Number Relations: In problem-solving investigations, use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers to help develop an intuitive understanding of the real number system and communicate the relationships within that system.

N.1—Demonstrating an understanding of number systems

N.2—Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation

N.3—Using number sense to estimate and determine reasonableness of solutions

N.4—Determining whether an exact or approximate answer is necessary

N.5—Selecting and using appropriate computational methods for given situations

N.6—Applying ratios and proportional thinking in a variety of situations

N.7—Justifying reasonableness of solutions and verifying results

(A) Algebra: In problem-solving investigations, use appropriate manipulatives, models, graphs, tables, and technology to develop the understanding of concepts and to explore the applications of algebra.

A.1—Demonstrating the ability to translate real-world situations into algebraic expressions, equations, and inequalities

A.2—Recognizing the relationship between operations involving real numbers and operations involving algebraic expression

A.3—Using tables and graphs as tools to interpret algebraic expressions, equations and inequalities

A.4—Solving algebraic equations and inequalities using appropriate techniques

(M) Measurement: In problem-solving investigations, use appropriate manipulatives and available technology to develop the understanding of the concepts, processes, and real-life applications of measurement.

M.1—Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error of measurement

M.2—Demonstrating an intuitive sense of measurement

M.3—Estimating, computing and applying physical measurement using suitable units

M.4—Demonstrating the concept of measurement as it applies to real-world experiences

(G) Geometry: In problem-solving investigations, use appropriate models, drawings, manipulatives, and technology to understand concepts and explore real-world applications of one-, two-, and three-dimensional geometry, and justify solutions.

G.1—Identifying, describing and comparing to explore and make conjectures about geometric concepts and figures

G.2—Representing and solving problems using geometric models and the properties of those models

G.3—Solving problems using coordinate methods, as well as synthetic and transformational methods

G.4—Using inductive reasoning to predict, discover, and apply geometric properties and relationships

G.5—Classifying figures in terms of congruence, similarity, and applying these relationships

G.6—Demonstrating deductive reasoning and justification

(D) Data Analysis, Probability, and Discrete Math: In problem-solving investigations, use appropriate collecting and organizational techniques, manipulatives, and technology in order to discover trends, to formulate conjectures regarding cause-and-effect relationships, and to develop critical-thinking skills that enable the student to make informed decisions.

D.1—Designing and conducting statistical experiments that involve collecting and representing data in various forms

D.2—Recognizing data that relate two variables as linear, exponential, or otherwise in nature

D.3—Using simulations to estimate probability

D.4—Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures

D.5—Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple event probabilities

D.6—Demonstrating the concept of distributions and recognizing normal and non-normal distributions

D.7—Making inferences from data that are organized in charts, tables, and graphs

D.8—Demonstrating logical thinking procedures such as flow charts and truth tables

D.9—Using discrete math to model real-life situations

(P) Patterns, Relations, and Functions: In problem-solving investigations, use appropriate number sense, manipulatives, drawings, tables, graphs, symbolic formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions.

P.1—Modeling the concepts of variables, functions, and relations as they occur in the real world and using the basic notations and terminology

P.2—Translating between tabular, symbolic, and graphical representations of functions

P.3—Recognizing behavior of elementary functions and using graphing technologies to represent them

P.4—Analyzing the changes in the graphs of functions caused by changing the coefficients and constants of arbitrary functions using technology whenever appropriate

P.5—Analyzing real-world relationships that can be modeled locally or globally by elementary functions

### C. Science

(SI) Science As Inquiry: Students do science by engaging in partial and full inquiries that are within their developmental capabilities.

#### Benchmark A: The Abilities Necessary to do Scientific Inquiry

- 1—Identifying questions and concepts that guide scientific investigations
- 2—Designing and conducting scientific investigations
- 3—Using technology to improve investigations and communications
- 4—Formulating and revising scientific explanations and models using logic and evidence
- 5—Recognizing and analyzing alternative explanations and models
- 6—Communicating and defending a scientific argument
- 7—Utilizing science safety procedures during scientific investigations

#### Benchmark B: Understanding Scientific Inquiry

- 1—Understanding that scientists usually base their investigations on existing questions or causal/functional questions
- 2—Understanding that scientists conduct investigations for a variety of reasons, such as exploration of new areas, discovery of new aspects of the natural world, confirmation of prior investigations, prediction of current theories, and comparison of models and theories
- 3—Understanding that scientists rely on technology to enhance the gathering and manipulation of data
- 4—Understanding that scientists must adhere to criteria such as: A proposed explanation must have a logical structure, abide by the rules of evidence, be open to questions and modifications, be based on formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions
- 5—Understanding that results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists

(PS) Physical Science: Students develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

#### Benchmark A: Measurement and Symbolic Representation

- 1—Manipulating and analyzing quantitative data using the SI system
- 2—Understanding the language of chemistry (formulas, equations, symbols) and its relationship to molecules, atoms, ions, and subatomic particles

#### Benchmark B: Atomic Structure

- 1—Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes)
- 2—Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay)
- 3—Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom

#### Benchmark C: The Structure and Properties of Matter

- 1—Distinguishing among elements, compounds, and/or mixtures
- 2—Discovering the patterns of physical and chemical properties found on the periodic table of the elements
- 3—Understanding that physical properties of substances reflect the nature of interactions among its particles
- 4—Separating mixtures based upon the physical properties of their components
- 5—Understand that chemical bonds are formed between atoms when the outermost electrons are transferred or shared to produce ionic and covalent compounds
- 6—Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures
- 7—Using the kinetic theory to describe the behavior of atoms and molecules during phase changes and to describe the behavior of matter in its different phases

#### Benchmark D: Chemical Reactions

- 1—Observing and describing changes in matter and citing evidence of chemical change
- 2—Comparing, contrasting, and measuring the pH of acids and bases using a variety of indicators
- 3—Writing balanced equations to represent a variety of chemical reactions (acid/base, oxidation/reduction, etc.)
- 4—Analyzing the factors that affect the rate and equilibrium of a chemical reaction
- 5—Applying the law of conservation of matter to chemical reactions
- 6—Comparing and contrasting the energy changes that accompany changes in matter
- 7—Identifying important chemical reactions that occur in living systems, the home, industry, and the environment

#### Benchmark E: Forces and Motion

- 1—Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear)
- 2—Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically
- 3—Understanding effects of forces on changes in motion as explained by Newtonian mechanics
- 4—Illustrating how frame of reference affects one's ability to judge motion

#### Benchmark F: Energy

- 1—Describing and representing relationships among energy, work, power and efficiency
- 2—Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications

#### Benchmark G: Interactions of Energy and Matter

- 1—Giving examples of the transport of energy through wave action
- 2—Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce
- 3—Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans
- 4—Explaining the possible hazards of exposure to various forms and amounts of energy

(LS) Life Science: Students become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

#### Benchmark A: The Cell

- 1—Observing cells, identifying organelles, relating structure to function, and differentiating among cell types
- 2—Demonstrating a knowledge of cellular transport
- 3—Investigating cell differentiation and describing stages of embryological development in representative organisms

#### Benchmark B: The Molecular Basis of Heredity

- 1—Explaining the relationship among chromosomes, DNA, genes, RNA, and proteins
- 2—Comparing and contrasting mitosis and meiosis
- 3—Describing the transmission of traits from parent to offspring and the influence of environmental factors on gene expression
- 4—Exploring advances in biotechnology and identifying possible positive and negative effects

#### Benchmark C: Biological Evolution

- 1—Exploring experimental evidence that supports the theory of the origin of life
- 2—Recognizing the evidence for evolution
- 3—Discussing the patterns, mechanisms, and rate of evolution
- 4—Classifying organisms
- 5—Distinguishing among the kingdoms
- 6—Comparing and contrasting life cycles of organisms
- 7—Comparing viruses to cells

#### Benchmark D: Interdependence of Organisms

- 1—Illustrating the biogeochemical cycles and explaining their importance
- 2—Describing trophic levels and energy flows
- 3—Investigating population dynamics
- 4—Exploring how humans have impacted ecosystems and the need for societies to plan for the future

#### Benchmark E: Matter, Energy, and Organization of Living Systems

- 1—Comparing and contrasting photosynthesis and cellular respiration, emphasizing their relationships
- 2—Recognizing the importance of the ATP cycle in energy usage within the cell
- 3—Differentiating among levels of biological organization

#### Benchmark F: Systems and the Behavior of Organisms

- 1—Identifying the structure and functions of organ systems
- 2—Identifying mechanisms involved in homeostasis
- 3—Recognizing that behavior is the response of an organism to internal changes and/or external stimuli
- 4—Recognizing that behavior patterns have adaptive value

#### Benchmark G: Personal and Community Health

- 1—Relating fitness and health to longevity
  - 2—Contrasting how organisms cause disease
  - 3—Explaining the role of the immune system in fighting disease
  - 4—Exploring current research on the major diseases with regard to cause, symptoms, treatment, prevention, and cure
  - 5—Researching technology used in prevention, diagnosis, and treatment of diseases/disorders (ESS)
- #### Earth and Space Science

#### Benchmark A: Energy in the Earth System

- 1—Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems
- 2—Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature
- 3—Explaining fission and fusion in relation to the Earth's internal and external heat sources
- 4—Explaining how decay of radioactive isotopes and the gravitational energy from the Earth's original formation generate the Earth's internal heat
- 5—Demonstrating how the Sun's radiant energy causes convection currents within the atmosphere and the oceans
- 6—Describing the energy transfer from the Sun to the Earth and its atmosphere as it relates to the development of weather and climate patterns
- 7—Modeling the transfer of the Earth's internal heat by way of convection currents in the mantle which powers the movement of the lithospheric plates

#### Benchmark B: Geochemical Cycles

- 1—Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms
- 2—Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements

#### Benchmark C: The Origin and Evolution of the Earth System

- 1—Explaining the formation of the solar system from a nebular cloud of dust and gas
- 2—Estimating the age of the Earth by using dating techniques
- 3—Communicating the geologic development of Louisiana
- 4—Examining fossil evidence as it relates to the evolution of life and the resulting changes in the amount of oxygen in the atmosphere
- 5—Explaining that natural processes and changes in the Earth system may take place in a matter of seconds or develop over billions of years

#### Benchmark D: The Origin and Evolution of the Universe

- 1—Identifying scientific evidence that supports the latest theory of the age and origin of the universe
- 2—Describing the organization of the known universe
- 3—Comparing and contrasting the sun with other stars
- 4—Identifying the elements found in the sun and other stars by investigating the spectra
- 5—Describing the role of hydrogen in the formation of all the natural elements
- 6—Demonstrating the laws of motion for orbiting bodies
- 7—Describe the impact of technology on the study of Earth, the solar system, and the universe

(SE) Science and the Environment: In learning environmental science, students develop an appreciation of the natural environment, learn the value of environmental quality, and acquire a sense of stewardship through involvement in community action. As consumers and citizens, they are able to recognize how personal, professional, and political actions affect the natural world.

#### Benchmark A: Ecological Systems and Interactions

- 1—Demonstrating an understanding of the functions of Earth's major ecological systems
- 2—Investigating the flow of energy in ecological systems
- 3—Describing how habitat, carrying capacity, and limiting factors influence plant and animal populations (including humans)
- 4—Understanding that change is a fundamental characteristic of every ecosystem and that ecosystems have varying capacities for change and recovery
- 5—Describing the dynamic interactions between divisions of the biosphere
- 6—Describing and explaining the Earth's biochemical and geochemical cycles and their relationship to ecosystem stability
- 7—Comparing and contrasting the dynamic interaction with the biosphere
- 8—Analyzing evidence that plant and animal species have evolved physical, biochemical, and/or behavioral adaptations to their environments
- 9—Demonstrating an understanding of influencing factors of biodiversity
- 10—Explaining that all species represent a vital link in a complex web of interaction
- 11—Understanding how pollutants can affect living systems

#### Benchmark B: Resources and Resource Management

- 1—Comparing and contrasting the various types of renewable and nonrenewable resources and explaining the relationships between these resources and populations
- 2—Explaining how natural resources affect humans and how humans affect natural resources
- 3—Recognizing that people of the world consume disproportionate amounts of the Earth's resources, a factor of both population size and inequitable geographic or economic distribution of resources
- 4—Demonstrating an understanding that resource management issues and environmental problems may arise when resource use is motivated by short-term goals instead of long-term consequences
- 5—Comparing the benefits and the costs of various resource management methods
- 6—Analyzing how management of resources requires that they be viewed from a global, as well as a local, perspective
- 7—Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's future as well as present needs

#### Benchmark C: Environmental Awareness and Protection

- 1—Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment
- 2—Evaluating the relationships between quality of life and environmental quality
- 3—Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological and political considerations
- 4—Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors
- 5—Analyzing how public support effects the creation and enforcement of environmental laws and regulations

#### Benchmark D: Personal Choices and Responsible Actions

- 1—Demonstrating an understanding of the effects of personal choices and actions on the natural environment
- 2—Describing how a healthy environment depends upon responsible human actions
- 4—Demonstrating that the most important factor in prevention and control of pollution is education and the resulting change in values, attitudes, and behavior patterns
- 5—Explaining that responsible environmental decision making involves scientific and sociological research, consideration of value systems, investigation and evaluation of alternative, and long-term global perspectives
- 6—Demonstrating a knowledge that environmental issues should be an international concern
- 7—Recognizing that philosophies, objectives, and practices of various types of resource management are sometimes incompatible, often necessitating compromises and tradeoffs
- 8—Recognizing that the development of accountability toward the environment is essential for the continued health of the planet
- 9—Developing an awareness of personal responsibility as stewards of the local and global environment

#### D. Social Studies

(G) Geography: Physical and Cultural Systems: Students develop a spatial understanding of the Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

#### Benchmark A: The World in Spatial Terms

- 1—Using geographic representations, tools, and technologies to explain, analyze and solve geographic problems
- 2—Organizing geographic information and answering complex questions by formulating mental maps of places and regions

#### Benchmark B: Places and Regions

- 1—Determining how social, cultural, and economic processes shape the features of places
- 2—Analyzing the ways in which physical and human characteristics of places and regions have affected historic events
- 3—Analyzing the different ways in which physical and human regions are structured and interconnected
- 4—Explaining and evaluating the importance of places and regions to cultural identity

#### Benchmark C: Physical and Human Systems

- 1—Analyzing the ways in which Earth's dynamic and interactive physical process affect different regions of the world
- 2—Determining the economic, political, and social factors that contribute to human migration and settlement and evaluating their impact on physical and human systems
- 3—Analyzing trends in world population numbers, patterns, and predicting their consequences
- 4—Analyzing the characteristics, distribution, and interrelationships of the world's cultures
- 5—Describing and evaluating spatial distribution of economic systems and how they affect regions
- 6—Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth

#### Benchmark D: Environment and Society

- 1—Evaluating the ways in which technology has expanded the human capability to modify the physical environment
- 2—Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges
- 3—Analyzing the relationship between natural resources and the exploration, colonization, and settlement of different regions of the world
- 4—Evaluating policies and programs related to the use of natural resources
- 5—Developing plans to solve local and regional geographic problems related to contemporary issues

(C) Civics: Citizenship and Government: Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

#### Benchmark A: Structure and Purposes of Government

- 1—Analyzing the necessity and purposes of policies and government
- 2—Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each
- 3—Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system
- 4—Explaining the organization and functions of local, state, and national governments and evaluating their relationships
- 5—Evaluating the role and importance of law in the American political system
- 6—Examining the major responsibilities of the national government for domestic and foreign policy
- 7—Explain how government is financed through taxation

#### Benchmark B: Foundations of the American Political System

- 1—Analyzing ideas and origins of the American constitutional government and evaluating how these have helped to shape American society
- 2—Explaining constitutional and democratic beliefs in American society and applying them to the analyses of issues of conflicting beliefs and principles
- 3—Analyzing the nature of American political and social conflicts
- 4—Evaluating issues related to the differences between American ideals and the realities of American social and political life
- 5—Evaluating the roles of political parties, campaigns, and elections in American politics
- 6—Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics

#### Benchmark C: International Relationships

- 1—Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States
- 2—Analyzing the major foreign policy positions of the United States and evaluating their consequences
- 3—Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments of the United States

#### Benchmark D: Roles of the Citizen

- 1—Evaluating and defending positions on issues regarding the personal, political, and economic rights of citizens
- 2—Evaluating and defending positions regarding the personal and civic responsibilities of citizens in American constitutional democracy
- 3—Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy
- 4—Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy

(E) Economics: Interdependence and Decision Making: Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

#### Benchmark A: Fundamental Economic Concepts

- 1—Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity costs that result
- 2—Analyzing the roles that production, distribution, and consumption play in economic decisions
- 3—Applying the skills and knowledge necessary in making decisions about career options
- 4—Comparing and evaluating basic economic systems
- 5—Explaining the basic features of market structures and exchanges
- 6—Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems
- 7—Analyzing the roles of money and banking in an economic system
- 8—Applying economic concepts to understand and evaluate historical and contemporary issues

#### Benchmark B: Individuals, Households, Businesses, and Governments

- 1—Identifying factors that cause changes in supply and demand
- 2—Analyzing how supply and demand, price, incentives, and profit influence production and distribution in a competitive market system
- 3—Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy
- 4—Analyzing the causes and consequences of worldwide economic interdependence
- 5—Evaluating the effects of domestic policies on international trade
- 6—Analyzing Louisiana's role in the world economy

#### Benchmark C: The Economy as a Whole

- 1—Explaining the meanings of economic indicators such as Gross Domestic Product, per capita GDP, real GDP, CPI, and unemployment rate
- 2—Explaining how interest rates, investments, and inflation/deflation impact the economy
- 3—Analyzing unemployment and income distribution in a market economy
- 4—Explaining the basic concepts of United States fiscal policy and monetary policy and describing their effects on the economy

(H) History: Time, Continuity, and Change: Students develop a sense of historical time and historical

perspective as they study the history of their community, state, nation, and world.

#### Benchmark A: Historical Thinking Skills

- 1—Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity
- 2—Explaining and analyzing events, ideas, and issues within a historical context
- 3—Interpreting and evaluating the historical evidence presented in primary and secondary sources
- 4—Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
- 5—Conducting research in efforts to analyze historical questions and issues
- 6—Analyzing cause/effect relationships

#### Benchmark B: United States History

- 1—Analyzing the significant changes that resulted from interactions among the peoples of Europe, Africa, and the Americas
- 2—Summarizing the process by which the United States was colonized and later became an independent nation
- 3—Analyzing the development of the American constitutional system
- 4—Tracing territorial expansion and reform movements in the United States
- 5—Analyzing the origins, major events, and effects of the Civil War and Reconstruction
- 6—Analyzing the development of industrialization and examining its impact on American society
- 7—Describing the immigration and internal migration patterns that have occurred in the history of the United States and examining the cultural and social changes that have resulted
- 8—Evaluating the significance of the Progressive Movement
- 9—Analyzing the rise of the labor and agrarian movements
- 10—Explaining the changing role of the United States in world affairs through World War I
- 11—Analyzing the significant changes that evolved in the United States between World War I and the Great Depression
- 12—Analyzing the causes, developments, and effects of the Great Depression and the New Deal
- 13—Analyzing the origins, events, and results of World War II
- 14—Examining and summarizing key developments in foreign and domestic policies during the Cold War era
- 15—Analyzing the economic, political, social, and cultural transformation of the United States since World War II
- 16—Explaining the major changes that have resulted as the United States has moved from an industrial to an information society
- 17—Analyzing developments and issues in contemporary American society
- 18—Discussing and demonstrating an understanding of recent developments in foreign and domestic policies

#### Benchmark C: World History

- 1—Analyzing the development of early human communities and civilizations
- 2—Making generalizations about the cultural legacies of both the ancient river and the classical civilizations
- 3—Analyzing the origins, central ideas, and worldwide impact of major religious and philosophical traditions

4—Summarizing the developments and contributions of civilizations that flourished in Europe, Asia, Africa, and the Americas

5—Analyzing the consequences of the economic and cultural interchange that increasingly developed among the peoples of Europe, Asia, and Africa

6—Analyzing the impact of transoceanic linking of all major regions of the world

7—Analyzing the political, cultural, and economic developments and trends that resulted in the transformation of major world regions

8—Explaining how the emergence of territorial empires in Europe, Asia, and Africa unified large areas politically, economically, and culturally

9—Tracing the expansion of European power and economic influence in the world and examining the impact of this expansion on societies in Asia and the Americans

10—Analyzing the impact that political revolutions and new ideologies had on societies around the world

11—Evaluating the economic, political, and social consequences of the agricultural and industrial revolutions on world societies

12—Analyzing the patterns of worldwide change that emerged during the era of Western military and economic domination

13—Analyzing the causes and international consequences of World War I, World War II, and other 20th century conflicts

14—Analyzing the international power shifts and the breakup of colonial empires that occurred in the years following World War II

15—Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### Chapter 9. Definitions

#### §901. Glossary

**Academic Cross-Reference** A reference to related academic content Standards.

**AHECC** Area Health Education Center.

**Articulation** The process of linking two or more educational systems to produce a smooth flow of students from one institution to another without experiencing delays, duplication of courses, or loss of credit.

**Assessment** A process through which evidence is gathered in a range of content areas to determine both a student's understanding and ability to apply that understanding.

**Benchmark** A broad statement of expected skills and knowledge that is used as a reference to develop curriculum and assess student progress.

**Certification** A statement attesting some fact, especially the status and qualifications of the person holding it.

**CNA** certified nursing assistant.

**Code of Ethics** Relating to morality of behavior, conforming with an accepted standard of behavior.

**CPR** cardiopulmonary resuscitation.

**Emergency First Responder** First person on the scene to provide care.

**HOSA** Health Occupations Students of America.

**Licensure** A right formally granted in writing by an authority.

NHCSS National Health Care Skill Standards.  
OBRA Omnibus Budget Reconciliation Act of 1987.  
OSHA United States Occupational Safety and Health Administration.

Performance Activities Actions students could perform to demonstrate achievement of a benchmark.

Registration The placement of requested data on formal or official record.

SCANS Secretary's commission on Achieving Necessary Skills.

Scope of Practice Context or range of acceptable practices.

Standard Precautions Practices used in health care facilities to prevent the spread of infection via blood, body fluids, secretions, excretions, mucous membranes, and non-intact skin.

Standards Descriptions of what students should know and be able to do through subject matter, knowledge, and proficiencies gained as a result of their education.

Strand Major category.

Subject Area Domain or content area.

VICA Vocational Industrial Clubs of America.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Bulletin 107 Health Occupations Content Standards Curriculum Framework

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed policy will provide Health Occupations standards. It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units. The LEA may choose to offer new courses to students that may require purchasing items such as new textbooks, instructional materials or equipment. Each LEA will make their determination.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed standards will assist teachers in developing lessons that will prepare Health Occupations students in attaining vocational skills for the workplace.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employers could have a larger, trained qualified pool from which to select employees.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#096

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 108 Marketing Education Content Standards Curriculum Framework (LAC 28:LXXI.Chapters 1-9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the adoption of *Bulletin 108 Marketing Education Content Standards Curriculum Framework*. Bulletin 108 will be printed in codified format as Part LXXI of the Louisiana Administrative Code. The proposed Marketing standards will assist teachers in preparing students for the workplace. The action is being proposed to provide Marketing standards.

#### Title 28

#### EDUCATION

### Part LXXI. Bulletin 108 Marketing Education Content Standards Curriculum Framework

#### Chapter 1. Marketing Education

#### §101. Standards for Marketing Education\*

A. Marketing Education is a distinct discipline that integrates academic concepts and technology applications throughout the curriculum.

1. Academic Concepts. The study of marketing incorporates many academic understandings, including mathematics, reading, writing, speaking, sociology, psychology, geography, etc.

2. Technology Applications. The successful implementation of marketing-activities requires the use of technology.

B. The marketing education curriculum is divided into two primary parts: Foundations and Functions.

1. Foundations are basic skills that are necessary for all students to be successful; they are closely linked to the Louisiana Foundation Skills. These Marketing Foundations must be mastered in order for the Marketing Functions to have relevance for students. The four broad-based foundational skills in marketing are as follows:

- a. business, management, and entrepreneurship;
- b. communication and interpersonal skills;
- c. economics;
- d. professional development.

2. Functions define the discipline of marketing as applied in business operations. They address marketing from the perspective of how it is practiced. Each function is viewed from its relationship to the marketing of a good, service, or idea. The eight functions are as follows:

- a. distribution;
- b. product/service;
- c. management;
- d. financing;
- e. promotion;
- f. pricing;
- g. selling;
- h. marketing Information Management.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.



HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§103. What Is Marketing?**

A.1. The American Marketing Association (AMA), an international organization of marketing professionals, defines *marketing* as:

- a. the process of planning and executing the conception, pricing, promotion; and
- b. distribution of ideas, goods, and services to create exchanges that satisfy individual and organizational objectives.

2. This definition indicates that marketing is a process that involves a variety of activities designed to change behaviors or influence ideas. These activities include, but are not limited to, advertising, logistics, marketing research, product design, and selling.

B. Historically, marketing has been characterized as dynamic and changing. However, the pace at which it is changing has accelerated due to environmental shifts in the business world: downsizing, outsourcing, mergers, international competition, world markets, and technological innovations. These changes impact the skills, attitudes, and abilities needed for success in today's workplace. Marketing professionals are involved in major decisions affecting American and international business organizations and their success. Marketing helps to shape the world economy.

C. Marketing is a multi-faceted, critical business function that is undergirded by such social sciences as economics, psychology, and sociology. Its successful performance depends on the application of mathematics and English/language arts principles, the use of scientific problem solving, and the application of technology to marketing situations and problems. In the 21st century, economic survival in business will depend on the ability to understand and execute marketing skills. Today we market not only goods, but also ideas, causes, places, services, performances, groups, and people.

D. Effective marketing education programs provide the application of mathematics, communications, psychology, economics, technology, and specific product and service knowledge in conjunction with human resource skills in problem solving, decision making, conflict resolution, group dynamics, and goal setting. All students in a democratic society need to understand the processes and procedures involved with marketing. Those planning to enter a marketing career field need in-depth instruction in the foundations and functions of marketing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§105. What Is Marketing in Louisiana?**

A. Students in Louisiana are entering a complex global economy in which they must be able to participate fully and effectively. Developing critical-thinking skills is essential for the student to be an involved and productive member of society. Creative problem solving, team dynamics, and critical thinking are reflected in this standards document for instruction in marketing education classrooms in Louisiana. The economy in Louisiana is as diverse and technology-driven as the national economy; the marketing education curriculum is designed to prepare students to face the

challenges of today's world by encouraging them to become life-long learners.

B. Many course titles related to retailing and marketing fall under the "marketing umbrella." In 2000-2001, the Louisiana annual school report statistics provided by the Bureau of Information Management System reported ten different marketing-related courses taught by 112 staff members, representing enrollment of over 8,000\* students. Course titles included Advertising, Marketing Management, Tourism and Lodging, and Specialty Marketing. Most courses are designed for eleventh or twelfth-grade students, but career paths in some schools provide entry-level marketing instruction for ninth and tenth graders.

C. Curricula in marketing classes in Louisiana range from studying marketing for personal use and career exploration to developing advanced management and entrepreneurial skills. Many students take advantage of the cooperative programs that provide paid, work-based learning in marketing related jobs. Other students may be mentored by a professional in the field, have job-shadowing opportunities, or work in non-paid, short-term positions for "real world" work experiences.

D. Marketing education programs provide options for all students, both traditional and non-traditional. Marketing education students in Louisiana are members of DECA, the student organization. They demonstrate their mastery of the marketing curriculum in competitive events at the state and national levels. DECA develops leadership skills and provides awareness of civic responsibilities.

\*Student enrollment reflects duplicate numbers in some cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§107. Cooperative Education in Marketing**

A. Marketing Education programs were among the first in the career and technical area to provide opportunities for work-based learning. Senior Marketing Education students in most schools are able to participate in paid on-the-job training in retail or other marketing-related businesses. Credit is given by the high school for the cooperative education work experience. Local school district guidelines determine the number of hours credit that the student may earn.

B. The Marketing teacher/coordinator works closely with the business supervisor to develop a training plan that outlines what the student will learn on the job. It is closely aligned with what is being taught in the classroom to build a solid connection between school and work. The student is given a grade for on-the-job training that becomes a part of the teacher's evaluation of student performance.

C. Credit for cooperative students in Marketing courses is granted based upon these guidelines.

1. A training agreement issued by the Louisiana Department of Labor must be on file; this training plan is developed by the student, the marketing teacher/coordinator and the employer and is signed by the teacher, student, parent and employer.

2. The place of employment is directly related to the student's chosen course of study.

3. The student's cooperative learning program is systematically evaluated by the teacher/coordinator and workplace supervisor.

4. The student is paid by the employer at minimum wage or more.

5. The student has satisfactory attendance and classroom performance.

D. The goals of cooperative education training are as follows:

1. the student will demonstrate an understanding of marketing practices and procedures through real-life work experiences; and

2. the student will apply the foundation skills outlined in Marketing Standards and Benchmarks.

E. For juniors or other non-working students, coordinators are encouraged to make "learning come to life" through job shadowing, workplace mentors, unpaid internships, and/or school-based enterprises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **Chapter 3. Implementing the Standards through DECA**

#### **§301. What Is DECA?**

A. DECA, formerly "Distributive Education Clubs of America," is a national organization of marketing students; it is designed to be not extracurricular but *co-curricular* in nature. All marketing programs are strongly encouraged to sponsor a DECA chapter to supplement and enhance the learning opportunities for marketing students. DECA is an integral part of the classroom instructional program. DECA members include students who are interested in preparing for marketing, entrepreneurial, and management careers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§303. What Is DECA's Mission?**

A. "The mission of DECA is to enhance the co-curricular education of students with interests in marketing, management, and entrepreneurship. DECA helps students develop skills and competence for marketing careers, build self-esteem, experience leadership, and practice community service. DECA is committed to advocacy of marketing education and the growth of business and education partnerships."

B. To accomplish this mission, DECA utilizes a variety of activities that include competitive events, on-the-job experience, and chapter projects. All of these activities are designed to emphasize academic and vocational excellence as building blocks that will launch students into successful marketing and management careers. To accomplish this mission, DECA adheres to a number of goals that include the following:

1. to prepare marketing education students to take their proper places in the business world;

2. to develop leadership characteristics;

3. to develop self-confidence and self-acceptance;

4. to develop a greater understanding of our competitive, free-enterprise system;

5. to further develop occupational competencies needed for careers in marketing, management, and entrepreneurship;

6. to develop high ethical standards in personal and business relationships;

7. to develop effective international relationships;

8. to develop greater awareness of career opportunities in marketing;

9. to develop greater proficiency in communication;

10. to develop greater appreciation of the responsibilities of citizenship;

11. to develop a healthy competitive spirit;

12. to develop social and business etiquette.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§305. What Is DECA's History?**

A. DECA is a non-profit organization founded in 1946; it is governed by an elected Board of Directors. Members received support and guidance from the National Advisory Board, which is comprised of the Congressional Advisory Board, made up of members of the U.S. Congress, and representatives from major U.S. corporations and business that support DECA's mission. DECA has grown from a handful of members to over 180,000 nationwide. Organized around the goals of improving education and career opportunities and of remaining on the cutting edge of educational innovation, DECA continues to grow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§307. What Is DECA's Competitive Edge?**

A. Another part of the DECA program is the competitive events program. These events are designed to enable students to engage in activities that will extend their interests and competencies for careers in marketing and other business-related fields. Students will use what they have learned in the classroom and on the job to measure their progress against other students from around the state and the nation. Competitive events are divided into individual events and team events. Goals of the competitive events national competition are as follows:

1. to contribute to the development of competencies needed for careers in marketing, merchandising, and management;

2. to evaluate student achievement of the competencies through careful measurement devices;

3. to provide opportunities for student and group recognition;

4. to provide constructive avenues for individual or group expression, initiative, and creativity;

5. to motivate students to assume responsibility for self-improvement and self-discipline;

6. to provide a vehicle for students to demonstrate their acquired competencies through individual and/or group activities;

7. to assist students in acquiring a realistic self-concept through individual and/or group activities;

8. to help students to participate in an environment of cooperation and competition;

9. to provide visibility for the educational goals and objectives of Marketing Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 5. Strands, Standards, and Benchmarks**

**§501. Strand: Business, Management, and Entrepreneurship**

**A. Standards**

- 1.1 Demonstrate an understanding of business fundamentals.
- 1.2 Analyze business risk.
- 1.3 Demonstrate an understanding of the fundamental functions of marketing management.

**B. Available Courses**

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§503. Strand 1.0: Business, Management, and Entrepreneurship**

**A. Standard 1.1 Demonstrate an understanding of business fundamentals.**

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe marketing functions.	ELA 1-1, 3, 4, 5 2-1, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Explain marketing and its importance in a global economy.	3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4		
3. Research the role of business in society.	Science SI-A-1, 2 SI-B-4, 5		
4. Classify the types of business activity.	PS-D-7 PS-F-1 SE-B-6		
5. Analyze the concept of management.	Math N-1, 2, 3, 4, 5, 6, 7		
6. Identify and compare the types of business ownership.	A-1, 3, 4 M-1, 2, 3, 4 D-1, 6, 7 G-1, 6		
7. Explore ways technology affects business.	Social Studies C-1A-1, 2, 3, 4, 5, 6, 7 C-1C-1		
8. Evaluate ways business is regulated by government.	E-1A-1, 2, 3, 4, 5, 6, 7 E-1B-1, 2, 3, 4, 5, 6 E-1C-1, 2, 3, 4 H-1B-9, 11, 12 H-1C-7, 11, 15		

**B. Standard 1.2 Analyze business risk.**

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explore the types of business risk.	ELA 1-1, 3, 4, 5 2-1, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Define and interpret the role of insurance.	3-1, 2, 3 4-1, 2, 3, 4, 5, 6		
3. Identify security and safety policies and procedures.	5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2		
4. Explain the role of risk management.	SI-B-4, 5 PS-D-7 PS-F-1 SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7		

**C. Standard 1.3 Demonstrate an understanding of the fundamental functions of marketing management.**

Benchmarks Academic	Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate an understanding of the concept of management.	ELA 1-1, 3, 4, 5 2-1, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Analyze management's leadership role in business.	3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4		
3. Analyze the financing and controlling function.	Science SI-A-1, 2 SI-B-4, 5 PS-F-1		
4. Understand the components of a business plan.	SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7		

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§505. Strand: Communication and Interpersonal Skills**

**A. Standards**

- 2.1 Demonstrate the ability to apply the fundamentals of communication.
- 2.2 Demonstrate interpersonal skills that contribute to positive relationships.
- 2.3 Demonstrate positive work ethics in the workplace.
- 2.4 Demonstrate skills for positive working relationships.
- 2.5 Demonstrate the ability to interact with customers.
- 2.6 Apply strategies for dealing with conflict.

B. Available Courses

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§507. Strand 2.0: Communication and Interpersonal Skills**

A. Standard 2.1 Demonstrate the ability to apply the fundamentals of communication.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
<ol style="list-style-type: none"> <li>1. Demonstrate procedures for following oral and written directions</li> <li>2. Identify the guidelines for communicating with coworkers.</li> <li>3. Recognize barriers to effective communication.</li> <li>4. Generate directions for completing job tasks.</li> <li>5. Demonstrate procedures for conducting meetings.</li> </ol>	ELA 1-1, 3, 4 2-1, 6 4-1, 2, 4, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 2.3 Demonstrate positive work ethics in the workplace.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
<ol style="list-style-type: none"> <li>1. Recognize privacy issues in the business environment.</li> <li>2. Understand reasons for safeguarding information.</li> <li>3. Demonstrate ethical ways of communicating.</li> <li>4. Understand the consequences of unethical conduct.</li> </ol>	ELA 1-1, 3	1, 2, 3, 4, 5	Competencies Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 2.4 Demonstrate skills for positive working relationships.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
<ol style="list-style-type: none"> <li>1. Demonstrate procedures for treating coworkers fairly.</li> <li>2. Develop skills needed to maintain effective working relationships.</li> <li>3. Differentiate between leadership styles.</li> <li>4. Demonstrate characteristics for working in teams.</li> </ol>	ELA 1-1, 3 4-2, 4, 6	1, 2, 3, 4, 5	Competencies Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
<ol style="list-style-type: none"> <li>1. Understand the nature of effective communications.</li> <li>2. Apply effective listening skills.</li> <li>3. Demonstrate effective oral and written communication skills.</li> <li>4. Demonstrate addressing people professionally.</li> <li>5. Demonstrate use of proper telephone techniques.</li> <li>6. Apply effective persuasive techniques.</li> <li>7. Deliver oral presentations.</li> <li>8. Recognize and apply characteristics of effective written business communications.</li> <li>9. Demonstrate the use of communication technology/systems.</li> </ol>	ELA 1-1, 3, 4 2-1, 2, 3, 4, 5 3-1, 2, 3 4-1 5-1, 2, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 2.2 Demonstrate interpersonal skills that contribute to positive relationships.

E. Standard 2.5 Demonstrate the ability to interact with customers.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate techniques for building positive relations. 2. Demonstrate a customer-service mindset. 3. Demonstrate use of proper procedures for solving customer issues. 4. Understand management's role in customer relationships.	ELA 1-1, 3 7-2, 4	1, 2, 3, 4, 5	Competencies Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

F. Standard 2.6 Apply strategies for dealing with conflict.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate ways to show empathy. 2. Demonstrate appropriate assertiveness. 3. Demonstrate problem-solving skills. 4. Utilize negotiation skills. 5. Demonstrate procedures for interpreting business policies. 6. Demonstrate procedures for handling difficult customers. 7. Understand strategies for adapting to change. 8. Demonstrate steps for conflict resolution. 9. Understand the importance of employee assistance programs.	ELA 1-1, 3 4-1, 2, 3, 4, 6 7-1, 2, 4	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§509. Strand: Economic Foundations**

A. Standards

- 3.1 Understand basic economic concepts.
- 3.2 Examine the characteristics of economic systems.
- 3.3 Examine economic indicators and trends.
- 3.4 Examine global economies.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§511. Strand 3.0: Economic Foundations**

A. Standard 3.1 Understand basic economic concepts.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Distinguish between economic goods and services. 2. Explain the concept of economic resources. 3. Describe the nature of economics and economic activities. 4. Analyze forms of economic utility. 5. Explain the principles of supply and demand. 6. Examine the concept of price.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-1, 2, 3, 4, 5, 6 SE-C-1, 2 SE-D-1, 2, 4, 5, 6 Math N-1, 2, 3, 4, 5, 7 D-6, 7, 8 Social Studies G-1C-5, 6 G-1D-1, 2, 4 E-1A-1, 2 E-1B-1, 2 E-1C-2	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 3.2 Examine the characteristics of economic systems.

D. Standard 3.4 Examine global economics.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Compare the types of economic systems. 2. Discuss the basic economic freedoms. 3. Assess the relationship between government and business. 4. Examine the concept of private enterprise. 5. Analyze the concept of productivity. 6. Explain the concept of organized labor and business. 7. Discuss the law of diminishing returns.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-1, 2, 5 SE-D-1 Math N-1, 2, 3, 4, 5, 6, 7 D-6, 7, 8 Social Studies C-1B-6 C-1D-1, 2 E-1A-1, 4, 5, 6 E-1B-2, 3 E-1C-2, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 3.3 Examine economic indicators and trends.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Analyze the goals of a healthy economy. 2. Explain the nature of the Consumer Price Index. 3. Explain the concept of Gross Domestic Product. 4. Explain the impact of unemployment. 5. Compute the standard of living.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-1, 2, 5 SE-C-2, 3, 4, 5 SE-D-1, 6 Math N-1, 2, 3, 4, 5, 6, 7 D-6, 7, 8 Social Studies E-1A-1, 2, 7 E-1B-2, 3 E-1C-1, 2, 3, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explain the nature of international trade. 2. Identify the impact of cultural and social environments on world trade.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-3, 5 Social Studies C-1C-1, 2, 3 E-1A-1, 2, 5, 8 E-1B-2, 3, 4, 5, 6 E-1C-2, 4 H-1C-15	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§513. Strand: Professional Development**

A. Standards

- 4.1 Develop self-understanding.
- 4.2 Apply criteria for self-development.
- 4.3 Apply career-planning strategies.
- 4.4 Demonstrate job-seeking skills.
- 4.5 Understand the importance of continuing career development.

B. Available Courses

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§515. Strand 4.0: Professional Development**

**A. Standard 4.1 Develop self-understanding.**

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate ethical work habits. 2. Identify desirable personality traits important to business. 3. Adjust to change. 4. Demonstrate appropriate creativity.	ELA 1-1, 3	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

**B. Standard 4.2 Apply criteria for self-development.**

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Assess personal skills and interests. 2. Understand self-esteem and self-concept. 3. Demonstrate steps for decision making. 4. Demonstrate appropriate creativity. 5. Identify and utilize time-management principles.	ELA 1-1, 3 7-1, 2, 4 Social Studies E-1A-3	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

**C. Standard 4.3 Apply career-planning strategies.**

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explore career opportunities in business and marketing. 2. Identify and utilize sources for career information. 3. Identify tentative occupational interest.	ELA 1-1, 3, 4 5-1, 2, 3 Social Studies E-1A-3	1, 2, 3, 4, 5	Competencies Information Systems Foundations Basic Skills Thinking Skills Personal Qualities

**D. Standard 4.4 Demonstrate job-seeking skills.**

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Utilize job-search strategies. 2. Complete a job application. 3. Write a letter of application. 4. Compose a resume. 5. Apply and interview for a job. 6. Apply appropriate follow-up after job interview.	ELA 1-1, 3, 4 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 3, 4 5-1, 2, 3, 4, 6	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

**E. Standard 4.5 Understand the importance of continuing career development.**

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify skills needed to enhance career progression. 2. Identify resources needed to enhance career progression.	ELA 1-4 5-1, 2, 3 7-4	1, 2, 3, 4, 5	Competencies Resources Information Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§517. Strand: Distribution**

**A. Standards:**

- 5.1 Examine the nature and scope of distribution.
- 5.2 Understand the concepts involved in order fulfillment.
- 5.3 Examine the process of warehousing and stock handling.

**B. Available Courses:**

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§519. Strand 5.0: Distribution**

A. Standard 5.1 Examine the nature and scope of distribution.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Examine and explain channels of distribution. 2. Describe the use of technology in the distribution process. 3. Explain the legal and ethical considerations in the distribution process.	ELA 1-1, 3, 4, 5 2-1 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A1 SI-B4 PS-F1 SE-B6 Math N-1, 2, 3, 4, 5, 6, 7 M-1, 2, 3, 4 D-7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 5.2 Examine the nature and scope of distribution.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explain the relationship between customer service and distribution. 2. Describe the use of technology in the distribution process. 3. Explain the legal and ethical considerations in the distribution process.	ELA 1-1, 3, 4, 5 2-1 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A1 SI-B4 PS-F1 SE-B6 Math N-1, 2, 3, 4, 5, 6, 7 M-1, 2, 3, 4 D-7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 5.3 Examine the process of warehousing and stock handling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify and describe the shipping and receiving processes. 2. Explain and evaluate the concept of warehousing and storing. 3. Demonstrate stock handling techniques used in receiving deliveries. 4. Examine the types of inventory control systems.	ELA 1-1, 3, 4, 5 2-1 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A1 SI-B4 PS-F1 SE-B6 Math N-1, 2, 3, 4, 5, 6, 7 M-1, 2, 3, 4 D-7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§521. Strand: Financing**

A. Standards:

- 6.1 Demonstrate an understanding of the nature and scope of the financing function.
- 6.2 Demonstrate an understanding of the purpose and importance of credit.
- 6.3 Interpret financial documents.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:



**§523. Strand 6.0: Financing**

A. Standard 6.1 Demonstrate an understanding of the nature and scope of the financing function.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify financing activities in marketing. 2. Compare the relationship of financing to other marketing functions. 3. Discuss ways that technology impacts the financing function. 4. Understand the need for developing banking relationships.	ELA 1-1, 4, 5 2-2, 3, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3 7-1, 2, 3 Math N-1, 2, 3 M-1, 2, 3, 4 D-7, 8 Social Studies C-1B-4 E-1A-1, 2, 7, 8 E-1B-2 E-1C-2, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 6.2 Demonstrate an understanding of the purpose and importance of credit.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify sources of credit. 2. Compare types of credit. 3. Compute cost of extending credit. 4. Compute cost of using credit. 5. Define start-up costs for a business.	ELA 1-1, 5 2-2, 3, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Math N-1, 2, 3 M-1, 2, 3, 4 D-7, 8, 9 P-1 Social Studies E-1A-1, 2, 7, 8	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 6.3 Interpret financial documents.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Prepare a personal financial statement. 2. Identify parts of a business plan. 3. Prepare financial documents for a business. 4. Compute payroll and other business expenses. 5. Compute net profit and net loss.	ELA 1-1, 5 2-2, 3, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Math N-1, 2, 3 M-1, 2, 3, 4 D-7, 8, 9 P-1 Social Studies E-1A-1, 2, 7, 8	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§525. Strand: Marketing-Information Management**

A. Standards

- 7.1 Demonstrate an understanding of the nature and scope of marketing-information management.
- 7.2 Explain the nature of marketing research.
- 7.3 Discuss information processing.
- 7.4 Discuss information reporting.
- 7.5 Describe marketing planning.

B. Available Courses

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§527. Strand 7.0: Marketing-Information Management**

A. Standard 7.1 Demonstrate an understanding of the nature and scope of marketing-information management.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Assess marketing-information needs. 2. Analyze the nature and scope of the marketing-information management function. 3. Explain the role of ethics in marketing-information management. 4. Describe the use of technology in marketing-information management function.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1, 2, 4 Science SI-A 1, 2 SI-B 4, 5 PS-F 1 SE-B 6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies G-1D- 4 C-1A-1, 2, 3, 4, 5, 6, 7 E-1A-1, 2, 3, 4, 5, 6, 7 E-1B-2, 3, 4, 5, 6, 9, 11 E-1C-1, 2, 3, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 7.2 Explain the nature of marketing research.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify data sources for marketing decision making. 2. Search the internet for marketing information. 3. Collect marketing information.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-F-1 SE-B 6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies E-1A-8 E-1B-2 H-1A-6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 7.3 Discuss information processing.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe techniques for processing marketing information. 2. Interpret descriptive statistics for marketing decision making.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-F-1, SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 7.4 Discuss information reporting.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Write marketing reports. 2. Present report findings and recommendations.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-D-7 PS-F-1, SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

E. Standard 7.5 Describe marketing planning.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe the concept of marketing strategies. 2. Assess the concept of market and market identification. 3. Analyze and research target markets. 4. Evaluate and prepare a marketing plan. 5. Analyze and develop a sales forecast.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-F-1, SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§529. Strand: Pricing**

A. Standards

- 8.1 Demonstrate an understanding of the nature and scope of the pricing function.
- 8.2 Analyze and explain the factors affecting pricing decisions.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§531. Strand 8.0: Pricing**

- A. Standard 8.1 Demonstrate an understanding of the nature and scope of the pricing function.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§533. Strand: Product/Service Management**

**A. Standards:**

- 9.1 Demonstrate understanding of the nature and scope of the product/service management function.
- 9.2 Plan product mix.
- 9.3 Describe factors used by marketers to position a product, service or business.
- 9.4 Evaluate the importance of quality assurances on product/service management.

**B. Available Courses:**

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§535. Strand 9.0: Product/Service Management**

**A. Standard 9.1** Demonstrate an understanding of the nature and scope of the product/service management.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Analyze the process involved in effective pricing. 2. Describe the role of business ethics in pricing. 3. Explain the use of technology in the pricing function. 4. Research legal considerations for pricing.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science PS-D-7 PS-F-1 SE-B-6 SI-A-1, 2 SI-B-4, 5 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 2, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies C-1A-1, 3, 5, 7 C-1C-1 E-1A-1, 2, 3, 4, 5, 6, 7 E-1B-1, 2, 3, 4, 5, 6 E-1C-1, 2, 3, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

**B. Standard 8.2** Analyze and explain the factors affecting pricing decisions.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe strategies for pricing products and services. 2. Explain product-mix pricing strategies. 3. Identify the basic rules for setting prices. 4. Calculate and identify problems to determine price. 5. Determine the cost of product. 6. Calculate price.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-D-7 PS-F-1 SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies C-1A-1, 3, 5, 7 C-1C-1 E-1A-1, 2, 3, 4, 5, 6, 7 E-1B-1, 2, 3, 4, 5, 6 E-1C-1, 2, 3, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe factors affecting product planning. 2. List the steps in new product/service planning. 3. Identify the impact of product life cycles on marketing decisions. 4. Demonstrate understanding of the concept of product positioning. 5. Debate ethics issues in product development.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SE-B-1, 4, 5, 6 SE-C-2, 4, 5 SE-D-1, 2, 6 SI-A-1, 2, 3 Math N-1, 2, 3, 4 P-1 M-1, 2, 3, 4 G-6 D-1 Social Studies C-1B-4 C-1D-2, 3, 4 E-1A-1, 2, 6 E-1B-2 E-1C-1, 2, 3, 4 H-1A-6 H-1B-17	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 9.2 Plan product mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Define product mix. 2. Compare product mix strategies. 3. Develop services to provide to customers. 4. Analyze customer service options.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SI-A-1, 2, 3 Math N-1, 2, 3, 4, 5, 6, 7 A-1 P-1 M-1, 2, 3, 4 D-1, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 9.3 Describe factors used by marketers to position a product, service, or business.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Define branding elements. 2. Explain the importance of branding in product planning. 3. Classify branding strategies. 4. Evaluate the impact of product packaging and labeling.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SI-A-1, 2, 3 Math N-1, 2, 3, 4, 5, 6, 7 A-1 P-1 M-1, 2, 3, 4 D-1, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 9.4 Evaluate the importance of quality assurances in product/service management.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe uses of grades and standards in marketing products. 2. Distinguish different types of warranties and guarantees. 3. Demonstrate understanding of the importance of warranties and guarantees in product planning. 4. Identify consumer protection provisions of appropriate agencies.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SE-C3 SE-D6 Math N-1, 2, 3, 4, 5, 6, 7 A-1 P-1 M-1, 2, 3, 4 D-1, 7 Social Studies G-1B-4 G-1C-6 G-1D-4 C-1B-4, 6 C-1D-4 E-1A-6 E-1B-1, 3 E-1C-4 H-1A-6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§537. Strand: Promotion**

A. Standards

- 10.1 Demonstrate an understanding of the nature and scope of promotion as a marketing function.
- 10.2 Explain the role of advertising as part of a promotional mix.
- 10.3 Explain the role of sales promotion as part of a promotional mix.
- 10.4 Explain the role of publicity/public relations as part of a promotional mix.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising

5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§539. Strand 10.0: Promotion**

A. Standard 10.1 Demonstrate an understanding of the nature and scope of promotion as a marketing function.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Apply the communication process used in promotion.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills
2. Identify the roles of promotion as a marketing function.	3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6		Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
3. Differentiate among the types of promotion.	7-2, 4 Social Studies C-1C-2		
4. Identify the elements of the promotional mix.	E-1A-5		
5. Recognize the impact of negative business ethics in promotion.			

B. Standard 10.2 Explain the role of advertising as part of a promotional mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify the types of advertising media.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills
2. Identify and use the components of advertising.	3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6		Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
3. Critique and select the most effective direct advertising methods.	7-1, 2, 4 Social Studies G-1B-1, 4 G-1C-2		
4. Calculate media costs.	G-1D-4 E-1A-2		
5. Explain the components of advertisements.	E-1B-1 Math		
6. Evaluate effectiveness of advertising.	N-1, 2, 3, 4, 5, 6, 7 A-1, 3 M-1		
7. Develop promotional mix for a product.	D-1, 7, 9 P-5		
8. Prepare a promotional budget.			

C. Standard 10.3 Explain the role of sales promotion as part of a promotional mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. List and define the types of sales and specialty promotions.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Analyze the effectiveness of a sales promotion plan.	4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies C-1C-2 E-1A-5		

D. Standard 10.4 Explain the role of publicity/public relations as part of a promotional mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Differentiate between advertising and publicity.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Evaluate the impact of public relations.	3-1, 2, 3 4-1, 2, 3, 4, 5, 6		
3. Write a publicity release.	5-1, 2, 3, 4, 5, 6 7-2, 4		
4. Develop a public relations plan.	Social Studies G-1B-4 G-1C-2 E-1A-5		

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§541. Strand: Selling**

A. Standards

- 11.1 Demonstrate an understanding of the nature and scope of selling.
- 11.2 Understand the need for the development of product knowledge.
- 11.3 Demonstrate an understanding of the process and techniques of selling.
- 11.4 Understand the support activities relating to selling.

B. Available Courses:

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§543. Strand 11.0: Selling**

A. Standard 11.1 Demonstrate an understanding of the nature and scope of selling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Understand the importance of customer service as a component of selling. 2. Identify the key factors in building a clientele. 3. Evaluate the effectiveness of store selling policies. 4. Recognize the impact of business ethics in selling. 5. Understand the impact of technology in the selling function. 6. Understand the purpose of selling regulations.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies E-1B-1, 2	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 11.2 Understand the need for the development of product knowledge.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify and apply methods to acquire product information for use in selling. 2. Develop feature benefits charts.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 Social Studies E-1B-1	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 11.3 Demonstrate an understanding of the process and techniques of selling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify and define the components of the selling process. 2. Prepare for a sales presentation. 3. Understand the impact of developing client/customer relationships. 4. Demonstrate the methods of determining customer/client needs. 5. Identify customer's buying motives for use in the sales process. 6. Apply methods of facilitating customers' buying decisions. 7. Differentiate between consumer and organizational buying. 8. Demonstrate methods of recommending specific products. 9. Apply techniques for demonstrating products. 10. Demonstrate methods of recommending specific products. 11. Demonstrate the process of prescribing solutions to customers' needs. 12. Use methods to convert customers'/clients' objections into selling points. 13. Demonstrate an effective sales closing. 14. Utilize techniques of suggestion selling.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies G-1B-3 G-1C-5	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 11.4 Understand the support activities related to selling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Calculate mathematical problems related to selling.	ELA 1-1, 2, 3, 4, 5 2-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills
2. Demonstrate methods of prospecting.	3-1, 2, 3 4-1, 2, 3, 4, 5, 6		Systems Technology Foundations
3. Create an effective sales letter.	5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies E-1A-2 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 2, 3, 4 D-1, 2, 7, 8, 9 P-1, 5		Basic Skills Thinking Skills Personal Qualities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### Chapter 7. Louisiana Content Standards

#### §701. Foundation Skills\*

A. Through the collaboration of educators, the business community, and other citizens, the following foundation skills have been identified as essential competencies needed to meet the demands of the classroom and the world beyond. These skills apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving. The identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship: The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

\*Developed by the Louisiana Department of Education, Louisiana Content Standards and Assessment Development Project, 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### §703. Referenced Content Standards

A. Cross-referencing with State Standards for Curriculum Development in the following academic areas reinforced the Marketing Education Content Standards listed in this document: English/Language Arts, Mathematics, Social Studies and Science. A comprehensive list of academic standards utilized, along with area specific codes, is listed below. The five Louisiana Foundation Skills developed by the Louisiana Content Standards Task Force, which apply to all students in all disciplines, were also cross-referenced to the Marketing Education Content Standards. The Foundation Skills are

1. communication;
2. problem solving;
3. resource access and utilization;
4. linking and generating knowledge;
5. citizenship.

#### B. Area Specific Codes

1. English/Language Arts (ELA). The standard number is given; then the benchmark number.

2. Mathematics. The strand letter is given; then the benchmark number.

N Number and Number Relations

A Algebra

M Measurement

G Geometry

D Data Analysis, Probability, and Discrete Math

P Patterns, Relations, and Functions

3. Science. The strand letter is given; then the benchmark letter and number are given.

SI Science As Inquiry

PS Physical Science

LS Life Science

ESS Earth and Space Science

SE Science and the Environment

4. Social Studies. The strand letter is given; then the benchmark letter and number are given.

G Geography

C Civics

E Economics

H History

#### C. English Language Arts (ELA)\*

Standard One: Students read, comprehend, and respond to a range of materials using a variety of strategies for different purposes.

1—Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies

- 2—Reading, responding to, and critiquing written, spoken, and visual texts
- 3—Interpreting texts to generate connections to real-life situations
- 4—Applying reading strategies to achieve a variety of objectives

Standard Two: Students write competently for a variety of purposes and audiences.

- 1—Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order
- 2—Focusing on information, concepts, and ideas that show an awareness of an intended audience and/or purpose
- 3—Applying the steps of the writing process, emphasizing revising and editing in final drafts
- 4—Using narration, description, exposition, and persuasion to develop various modes of writing
- 5—Recognizing and applying literary devices and various stylistic elements
- 6—Responding to text and life experiences as a basis for writing

Standard Three: Students communicate using conventional grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

- 1—Writing legibly
- 2—Using the grammatical and mechanical conventions of standard English
- 3—Spelling accurately using strategies and resources

Standard Four: Students demonstrate competence in speaking and listening as tools for learning and communicating.

- 1—Speaking intelligibly
- 2—Giving and following directions/procedures
- 3—Demonstrating a command of the features of speaking when giving prepared and extemporaneous presentations
- 4—Speaking and listening for a variety of audiences and purposes
- 5—Listening and responding to a wide variety of media
- 6—Participating in a variety of roles in group discussions

\*This list reflects ELA Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of ELA Content Standards, see *Bulletin 1965*.

Standard Five: Students locate, select, and make use of information from a variety of texts, media, references, and technological sources.

- 1—Recognizing and using organizational features of printed text, other media, and electronic information
- 2—Locating and evaluating information sources
- 3—Accessing information and conducting research using outlining, not taking, summarizing, interviewing, and surveying to produce documented texts and graphics
- 4—Using available technology to produce, revise, and publish a variety of works
- 5—Citing references using various formats
- 6—Interpreting charts/graphs, tables/schedules, diagrams/maps, and organizational charts/flow-charts

Standard Seven: Students apply reasoning skills to their reading, writing, speaking, listening, viewing, and visually representing.

- 1—Using comprehension strategies in all contexts
- 2—Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information

- 4—Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations

D. Mathematics\*. (N) Number and Number Relations: In problem-solving investigations, use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers to help develop an intuitive understanding of the real number system and communicate the relationships within that system.

- N.1—Demonstrating an understanding of number systems
- N.2—Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation
- N.3—Using number sense to estimate and determine reasonableness of solutions
- N.4—Determining whether an exact or approximate answer is necessary
- N.5—Selecting and using appropriate computational methods for given situations
- N.6—Applying ratios and proportional thinking in a variety of situations
- N.7—Justifying reasonableness of solutions and verifying results

(A) Algebra: In problem-solving investigations, use appropriate manipulatives, models, graphs, tables, and technology to develop the understanding of concepts and to explore the applications of algebra.

- A.1—Demonstrating the ability to translate real-world situations into algebraic expressions, equations, and inequalities
- A.2—Recognizing the relationship between operations involving real numbers and operations involving algebraic expression
- A.3—Using tables and graphs as tools to interpret algebraic expressions, equations and inequalities
- A.4—Solving algebraic equations and inequalities using appropriate techniques

(M) Measurement: In problem-solving investigations, use appropriate manipulatives and available technology to develop the understanding of the concepts, processes, and real-life applications of measurement.

- M.1—Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error of measurement
- M.2—Demonstrating an intuitive sense of measurement
- M.3—Estimating, computing and applying physical measurement using suitable units
- M.4—Demonstrating the concept of measurement as it applies to real-world experiences

\*This list reflects Math Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of Mathematics Content Standards see *Bulletin 1955*.

(G) Geometry: In problem-solving investigations, use appropriate models, drawings, manipulatives, and technology to understand concepts and explore real-world applications of one-, two-, and three-dimensional geometry, and justify solutions.

- G.1—Identifying, describing and comparing to explore and make conjectures about geometric concepts and figures
- G.2—Demonstrating deductive reasoning and justification



(D) Data Analysis, Probability, and Discrete Math: In problem-solving investigations, use appropriate collecting and organizational techniques, manipulatives, and technology in order to discover trends, to formulate conjectures regarding cause-and-effect relationships, and to develop critical-thinking skills that enable the student to make informed decisions.

D.1—Designing and conducting statistical experiments that involve collecting and representing data in various forms

D.2—Recognizing data that relate two variables as linear, exponential, or otherwise in nature

D.3—Using simulations to estimate probability

D.4—Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures

D.5—Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple event probabilities

D.6—Demonstrating the concept of distributions and recognizing normal and non-normal distributions

D.7—Making inferences from data that are organized in charts, tables, and graphs

D.8—Demonstrating logical thinking procedures such as flow charts and truth tables

D.9—Using discrete math to model real-life situations

(P) Patterns, Relations, and Functions: In problem-solving investigations, use appropriate number sense, manipulatives, drawings, tables, graphs, symbolic formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions.

P.1—Modeling the concepts of variables, functions, and relations as they occur in the real world and using the basic notations and terminology

E. Science\*. (SI) Science As Inquiry: Students do science by engaging in partial and full inquiries that are within their developmental capabilities.

Benchmark A: The Abilities Necessary to do Scientific Inquiry

1—Identifying questions and concepts that guide scientific investigations

2—Designing and conducting scientific investigations

3—Using technology to improve investigations and communications

Benchmark B: Understanding Scientific Inquiry

1—Understanding that scientists usually base their investigations on existing questions or causal/functional questions

2—Understanding that scientists must adhere to criteria such as: A proposed explanation must have a logical structure, abide by the rules of evidence, be open to questions and modifications, be based on formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions

3—Understanding that results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists

(PS) Physical Science: Students develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

Benchmark D: Chemical Reactions

1—Identifying important chemical reactions that occur in living systems, the home, industry, and the environment

Benchmark F: Energy

1—Describing and representing relationships among energy, work, power and efficiency

(SE) Science and the Environment: In learning environmental science, students develop an appreciation of the natural environment, learn the value of environmental quality, and acquire a sense of stewardship through involvement in community action. As consumers and citizens, they are able to recognize how personal, professional, and political actions affect the natural world.

Benchmark B: Resources and Resource Management

1—Comparing and contrasting the various types of renewable and nonrenewable resources and explaining the relationships between these resources and populations

2—Explaining how natural resources affect humans and how humans affect natural resources

\*This list reflects Science Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of Science Content Standards see *Bulletin 1962*.

3—Recognizing that people of the world consume disproportionate amounts of the Earth's resources, a factor of both population size and inequitable geographic or economic distribution of resources

4—Demonstrating an understanding that resource management issues and environmental problems may arise when resource use is motivated by short-term goals instead of long-term consequences

5—Comparing the benefits and the costs of various resource management methods

6—Analyzing how management of resources requires that they be viewed from a global, as well as a local, perspective

7—Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's future as well as present needs

Benchmark C: Environmental Awareness and Protection

1—Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment

2—Evaluating the relationships between quality of life and environmental quality

3—Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological and political considerations

4—Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors

5—Analyzing how public support effects the creation and enforcement of environmental laws and regulations

Benchmark D: Personal Choices and Responsible Actions

1—Demonstrating an understanding of the effects of personal choices and actions on the natural environment

2—Describing how a healthy environment depends upon responsible human actions

3—Demonstrating that the most important factor in prevention and control of pollution is education and the resulting change in values, attitudes, and behavior patterns

4—Explaining that responsible environmental decision making involves scientific and sociological research, consideration of value systems, investigation and evaluation of alternative, and long-term global perspectives

5—Demonstrating a knowledge that environmental issues should be an international concern

#### F. Social Studies\*

(G) Geography: Physical and Cultural Systems: Students develop a spatial understanding of the Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

##### Benchmark B: Places and Regions

1—Determining how social, cultural, and economic processes shape the features of places

2—Explaining and evaluating the importance of places and regions to cultural identity

##### Benchmark C: Physical and Human Systems

1—Determining the economic, political, and social factors that contribute to human migration and settlement and evaluating their impact on physical and human systems

2—Describing and evaluating spatial distribution of economic systems and how they affect regions

3—Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth

##### Benchmark D: Environment and Society

1—Evaluating the ways in which technology has expanded the human capability to modify the physical environment

2—Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges

3—Evaluating policies and programs related to the use of natural resources

(C) Civics: Citizenship and Government: Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

##### Benchmark A: Structure and Purposes of Government

1—Analyzing the necessity and purposes of policies and government

2—Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each

3—Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system

4—Explaining the organization and functions of local, state, and national governments and evaluating their relationships

5—Evaluating the role and importance of law in the American political system

\*This list reflects Social Studies Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of Social Studies Content Standards see *Bulletin 1964*.

6—Examining the major responsibilities of the national government for domestic and foreign policy

7—Explain how government is financed through taxation

##### Benchmark B: Foundations of the American Political System

1—Evaluating issues related to the differences between American ideals and the realities of American social and political life

2—Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics

##### Benchmark C: International Relationships

1—Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States

2—Analyzing the major foreign policy positions of the United States and evaluating their consequences

3—Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments of the United States

##### Benchmark D: Roles of the Citizen

1—Evaluating and defending positions on issues regarding the personal, political, and economic rights of citizens

2—Evaluating and defending positions regarding the personal and civic responsibilities of citizens in American constitutional democracy

3—Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy

4—Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy

(D) Economics: Interdependence and Decision Making: Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

##### Benchmark A: Fundamental Economic Concepts

1—Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity costs that result

2—Analyzing the roles that production, distribution, and consumption play in economic decisions

3—Applying the skills and knowledge necessary in making decisions about career options

4—Comparing and evaluating basic economic systems

5—Explaining the basic features of market structures and exchanges

6—Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems

7—Analyzing the roles of money and banking in an economic system

8—Applying economic concepts to understand and evaluate historical and contemporary issues

##### Benchmark B: Individuals, Households, Businesses, and Governments

1—Identifying factors that cause changes in supply and demand

2—Analyzing how supply and demand, price, incentives, and profit influence production and distribution in a competitive market system

3—Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy

- 4—Analyzing the causes and consequences of worldwide economic interdependence
- 5—Evaluating the effects of domestic policies on international trade
- 6—Analyzing Louisiana's role in the world economy

**Benchmark C: The Economy as a Whole**

- 1—Explaining the meanings of economic indicators such as Gross Domestic Product, per capita GDP, real GDP, CPI, and unemployment rate
- 2—Explaining how interest rates, investments, and inflation/deflation impact the economy
- 3—Analyzing unemployment and income distribution in a market economy
- 4—Explaining the basic concepts of United States fiscal policy and monetary policy and describing their effects on the economy

(H) History: Time, Continuity, and Change: Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

- 1—Analyzing cause/effect relationships
- 2—Analyzing developments and issues in contemporary American society

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 9. SCANS Skills**

**§901. Background**

A. The Secretary's Commission on Achieving Necessary Skills (SCANS) was established in February 1990 to examine the demands of the workplace and to determine whether the current and future work force is capable of meeting those demands. Commission members included 31 representatives from the nation's schools, businesses, unions and government. The Commission issued its first report, *What Work Requires of Schools*, in June, 1991. This report told educators and employers what students and workers need to know and be able to do in order to succeed in the workplace. This kind of information is especially vital today, when more than half of our young people leave school without the basic skills required to find and hold a good job.

B. Specifically, the Commission was directed to advise the Secretary of Labor on the type and level of skills required to enter employment. In carrying out this charge, the Commission was asked to:

- 1. define the skills needed for employment;
- 2. propose acceptable levels in those skills;
- 3. suggest effective ways to access proficiency; and
- 4. develop a strategy to disseminate the findings to the

Nation's schools, businesses and homes.

C. The Commission identified two types of skills: competencies and foundations. *Competencies* are the skills necessary for success in the workplace and are organized into five areas. *Foundations* are skills and qualities that underlie the competencies. The competencies and foundations are generic, most of them are required for most jobs. The SCANS competencies and foundations are identified and defined on the following pages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§903. Competencies**

**A. Resources**

1. Allocates Times: Selects relevant, goal-related activities; ranks them in order of importance; allocates time to activities; and understands, prepares and follows schedules. Competent performance in allocating time includes properly identifying tasks to be completed; ranking tasks in order of importance; developing and following an effective, workable schedule based on accurate estimates of such things as importance of tasks, time to complete tasks, time available for completion and task deadlines; avoiding wasting time; and accurately evaluating and adjusting a schedule.

2. Allocates Money: Uses or prepares budgets, including making cost and revenue forecasts, keeps detailed records to track budget performance; and makes appropriate adjustments. Competent performance in allocating money includes accurately preparing and using a budget according to a consistent and orderly accounting method accurately calculating future budgetary needs based on project cost and revenues; accurately tracking the extent to which actual costs and revenues differ from the estimated budget; and taking appropriate and effective action.

3. Allocates Material and Facility Resources: Acquires, stores and distributes materials, supplies, parts, equipment, space or final products in order to make the best use of them. Competent performance in allocating material and facility resources includes carefully planning the step involved in the acquisition, storage and distribution of resources; safely and efficiently acquiring, transporting or storing them; maintaining them in good condition; and distributing them to the end user.

4. Allocates Human Resources: Assesses knowledge skills and distributes work accordingly, evaluates performance and provides feedback. Competent performance in allocating human resources includes accurately assessing peoples' knowledge, skill, abilities and potential; identifying present and future workload; making effective matches between individual talents and workload; and actively monitoring performance and providing feedback.

**B. Information**

1. Acquire and Evaluates Information: Identifies need for data, obtains them from existing sources, or creates them and evaluates their relevance and accuracy. Competently perform the task of acquiring data and evaluating its appropriateness; and determine when new information must be created.

2. Organizes and Maintains Information: Organizes, processes and maintains written or computerized records and other forms of information in a systematic fashion. Competently performing the tasks of organizing and maintaining information includes understanding and organizing information from computer, visual, oral and physical sources in readily accessible formats, such as computerized data bases, spreadsheets, microfiche, video disks, paper files, etc.; when necessary, transforming data into different formats in order to organize them by the application of various methods such as sorting, classifying or more formal methods.

3. **Interprets and Communicates Information:** Selects and analyzes information and communicates the results to others using oral, written, graphic, pictorial or multi-media methods. Competently performing the tasks of communicating and interpreting information to others includes determining information to be communicated; identifying the best methods to present information (e.g., overheads, handouts); if necessary, converting to desired format and conveying information to others through a variety of means including oral presentation, written communication, etc.

4. **Uses Computers to Process Information:** Employs computers to acquire, organize, analyze and communicate information. Competently using computers to process information includes entering, modifying, retrieving, storing and verifying data and other information; choosing format for display (e.g., line graphs, bar graphs, tables, pie charts, narrative); and ensuring the accurate conversion of information into the chosen format.

#### C. Interpersonal

1. **Participates as a Member of a Team:** Works cooperatively with others and contributes to group with ideas, suggestions and effort. Demonstrating competence in participating as a member of a team includes doing one's own share of tasks necessary to complete a project; encouraging team members by listening and responding appropriately to their contributions; building in individual team members' strengths; resolving differences for accomplishing goals; and responsibly challenging existing procedures, policies or authorities.

2. **Teaches Others:** Helps others learn. Demonstrating competence in teaching others includes helping others to apply related concepts and theories to tasks through coaching or other means; identifying training needs; conveying job information to allow others to see its applicability and relevance to tasks; and assessing performance and providing constructive feedback/reinforcement.

3. **Serves Clients/Customers:** Works and communicates with clients and customers to satisfy their expectations. Demonstrating competence in serving clients and customers includes actively listening to customers to avoid misunderstandings and identifying needs; communicating in a positive manner especially when handling complaints or conflict; and efficiently obtaining additional resources to satisfy client needs.

4. **Exercises Leadership:** Communicates thoughts, feelings and ideas to justify a position; encourages, persuades, convinces or otherwise motivates an individual or groups, including responsibly challenging existing procedures, policies, or authority. Demonstrating competence in exercising leadership includes making positive use of the rules/values followed by others; justifying a position logically and appropriately; establishing credibility through competence and integrity; and taking minority viewpoints into consideration.

5. **Negotiates to Arrive at a Decision:** Works toward an agreement that may involve exchanging specific resources or resolving divergent interests. Demonstrating competence in negotiating to arrive at a decision involves researching opposition and the history of the conflict; setting realistic and attainable goals; presenting facts and

arguments; listening to and resolving conflicts; adjusting quickly to new fact/ideas; proposing and examining possible options; and making reasonable compromises.

6. **Works with Cultural Diversity:** Works well with men and woman and with a variety of ethnic, social, or educational backgrounds. Demonstrating competence in working with cultural diversity involves understanding one's own culture and those of others and understanding how they differ; respecting the rights of others while helping them make cultural adjustments where necessary; basing impression on individual performance, not on stereotypes; and understanding concerns of members of other ethnic and gender groups.

#### D. Systems

1. **Understands Systems:** Knows how social, organizational and technological systems work and operates effectively within them. Demonstrating competence in understanding systems involves knowing how a system's structures relate to goals; responding to the demands of the system/organization; knowing the right people to ask for information and where to get resources; and functioning within the formal and informal codes of the social/organizational system.

2. **Monitors and Corrects Performance:** Distinguishes trends, predicts impact of actions on system operations, diagnoses deviations in the function of a system/organization and takes necessary action to correct performance. Demonstrating competence in monitoring and correcting performance includes identifying trends and gathering needed information about how the system is intended to function; detecting deviations from system; and making changes to the system to rectify system functioning and to ensure quality of product.

3. **Improves and Designs System:** Makes suggestions to modify existing systems to improve products or services and develops new or alternative systems. Demonstrating competence in improving or designing systems involves making suggestions for improving the functioning of the system/organization; recommending alternative system designs based on relevant feedback; and responsibly challenging the status quo to benefit the larger system.

#### E. Technology

1. **Selects Technology:** Judges which set of procedures, tools or machines, including computers and their programs, will produce the desired results. Demonstrating competence in selecting technology includes determining desired outcomes and applicable constraints; visualizing the necessary methods and applicable technology; evaluating specifications; and judging which machine or tool will produce the desired results.

2. **Applies Technology to Task:** Understands the overall intent and the proper procedures for setting up and operating machines, including computers and their programming systems. Demonstrating competence in knowing how to apply technology to task; it includes understanding how different parts of machines interact and how machines interact with broader production systems; on occasion installing machines including computers; setting up machines or systems of machines efficiently to get desired results; accurately interpreting machine output; and detecting errors from program output.

3. Maintains and Troubleshoots Technology: Prevents, identifies or solves problems in machines, computers and other technologies. Demonstrating competence in maintaining and troubleshooting technology includes identifying, understanding and performing routine preventative maintenance and service on technology; detecting more serious problems; generating workable solutions to correct deviations; and recognizing when to get additional help.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§905. Foundation Skills**

#### **A. Basic Skills**

1. Reading: Locates, understands and interprets written information in prose and documents: including manuals, graphs, and schedules: to perform tasks; learns from text by determining the main idea or essential message; identifies relevant details, facts and specifications; infers or locates the meaning of unknown or technical vocabulary; judges the accuracy, appropriateness, style and plausibility of reports, proposals or theories of other writers.

2. Writing: Communicates thoughts, ideas, information and messages in writing; records information completely and accurately; composes and creates documents such as letters, directions, manuals, reports, proposals, graphs, flow-charts; uses language, style, organization and format appropriate to the subject matter, purpose and audience; includes supporting documentation and attends to level of detail; and checks, edits and revises for correct information, appropriate emphasis, form, grammar, spelling and punctuation.

3. Arithmetic: Performs basic computations; uses basic numerical concepts such as whole numbers and percentages in practical situations; makes reasonable estimates of arithmetic results without a calculator; and uses tables, graphs, diagrams and charts to obtain or convey quantitative information.

4. Mathematics: Performs computational skills needed in maintaining records, estimating results, using spreadsheets or applying statistical process.

5. Listening: Receives, attends to, interprets and responds to oral messages and other cues such as body language in ways that are appropriate to the purpose: for example, to comprehend, to learn, to evaluate critically, to appreciate, or to support the speaker.

6. Speaking: Organizes ideas and communicates oral messages appropriate to listeners and situations: participates in conversation, discussion and group presentations; selects an appropriate medium for conveying a message; uses oral language and other cues such as body language appropriate in style, tone and level of complexity to the audience and the occasion; speaks clearly and communicates a message; understands and responds to listener feedback; and asks questions when needed.

#### **B. Thinking Skills**

1. Creative Thinking: Uses imagination freely, combines ideas or information in new ways, makes

connections between seemingly unrelated ideas, and reshapes goals in ways that reveal new possibilities.

2. Decision Making: Specifies goals and constraints, generates alternatives, considers risks, and evaluates and chooses best alternative.

3. Problem Solving: Recognizes that a problem exists (i.e., there is a discrepancy between what is and what should or could be); identifies possible reasons for the discrepancy; devises and implements a plan of action to resolve it; evaluates and monitors progress; and revises plan as indicated by findings.

4. Seeing Things in the Mind's Eye: Organizes and processes symbols, pictures, graphs, objects or other information: for example, sees a building from a blueprint; a system's operation from schematics; the flow of work activities from narrative descriptions; or the taste of food from reading a recipe.

5. Knowing How to Learn: Uses efficient learning techniques to acquire and apply new knowledge and skills.

6. Reasoning: Discovers a rule or principle underlying the relationship between two or more objects and applies it in solving a problem.

#### **C. Personal Qualities**

1. Responsibility: Exerts a high level of effort and perseverance toward goal attainment; works hard to become excellent at doing tasks by setting high standards, paying attention to details, working well and displaying a high level of concentration even when assigned an unpleasant task; and displays high standards of attendance, punctuality, enthusiasm, vitality, and optimism in approaching and completing tasks.

2. Self-Esteem: Believes in own self-worth and maintains a positive view of self.

3. Social: Demonstrates understanding, friendliness, adaptability, empathy and politeness in new and on-going group settings; asserts self in familiar and unfamiliar social situations; relates well to others; responds appropriately as the situation requires; and takes an interest in what others say and do.

4. Self-Management: Assesses own knowledge, skills and abilities accurately; sets well-defined and realistic personal goals; monitors progress toward goal attainment and motivates self through goal achievement; exhibits self-control and responds to feedback unemotionally and non-defensively; and is a "self-starter."

5. Integrity/Honesty: Chooses ethical courses of action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 108 Marketing Education  
Content Standards Curriculum Framework**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed policy will provide Marketing standards. It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units. The LEA may choose to offer new courses to students that may require purchasing items such as new textbooks, instructional materials or equipment. Each LEA will make their determination.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections by state/local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

The proposed standards will assist teachers in developing lessons that will prepare Marketing students in attaining vocational skills for the workplace.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

Employers could have a larger, trained qualified pool from which to select employees.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#098

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 109 Family and Consumer Sciences Content  
Standards Curriculum Framework  
(LAC 28:LXXIII.Chapters 1-5)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the adoption of *Bulletin 109 Family and Consumer Sciences Content Standards Curriculum Framework*. Bulletin 109 will be printed in codified format as Part LXXIII of the Louisiana Administrative Code. The proposed Family and Consumer Sciences standards will assist teachers in preparing students for the workplace. The action is being proposed to provide Family and Consumer Sciences standards.

**Title 28  
EDUCATION**

**Part LXXIII. Bulletin 109 Louisiana Family and  
Consumer Sciences Content Standards Curriculum  
Framework**

**Chapter 1. Education**

**§101. Mission and Goals of the State Board of  
Elementary and Secondary Education (SBESE)**

A. As part of the scope of education in Louisiana, Family and Consumer Sciences Education embraces the mission and goals of education as adopted by the State Board of Elementary and Secondary Education.

1. The Board of Elementary and Secondary Education pledges its commitment to the proposition that every child is valued and every child will learn.

2. In order that we may honor this commitment, the Board will aggressively pursue new and different ideas, develop a strong systemic process for change, and dedicate our energies and resources to that mission.

3. The Board recognizes that education is an on-going process in which learning is the constant and time is the variable. It is for this reason that we propose and adopt the following goals that we believe will help chart the course for every child in Louisiana:

- a. focus on the early years;
- b. prepare students for the workplace;
- c. increase literacy, reduce dropouts;
- d. support teachers;
- e. support children and families;
- f. provide performance based accountability.

B. The mission and goals of education in Louisiana are achieved in part through implementation of the Louisiana Content Standards Foundation Skills and of the Information Literacy Model for Lifelong Learning.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§103. Louisiana Content Standards Foundation Skills**

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication: A process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving: The identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes, which include reasoning, decision making, and inquiry, in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization: The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video materials; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. Linking and Generating Knowledge: The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. "Transfer" refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. "Elaboration" refers to

monitoring, adjusting, and expanding strategies into other contexts.

5. **Citizenship:** The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to become productive citizens and lifelong learners.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§105. Information Literacy Model for Lifelong Learning**

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. With the rapid growth of technology, the amount of information available is accelerating so quickly that teachers no longer are able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team.

B. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing:** The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources:** After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording:** Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. **Processing Information:** After recording information, students must examine and evaluate the data to use the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information:** Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. **Presenting Findings:** Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. **Evaluating Efforts:** Throughout the information problem-solving process, students evaluate their efforts. This evaluation assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **Chapter 3. Family and Consumer Sciences in Louisiana**

#### **§301. Introduction**

A. Family and Consumer Sciences Education is a broad, comprehensive curriculum that enables individuals to function effectively as consumers, homemakers, parents, and employees or employers and to balance these roles successfully. It empowers individuals and families across the life span to manage the challenges of living and working in a diverse, global society. The unique focus is on families, work, and their interrelationships. Instruction strengthens basic academic skills in language arts, mathematics, science, and social studies and develops critical thinking skills through practical applications in real-life situations. Students gain a wide range of transferable skills that prepare them for multiple roles in today's society. The curriculum also allows entrance into the job market with the flexibility to function in new and emerging occupations. Through mastery of the key concepts (standards) and skills (benchmarks) outlined in this framework, students will become accomplished problem-solvers and informed decision makers. They will also be able to assume their places in the family and in the economic workforce as effective producers and consumers. Students of this state will also gain the skills needed to become lifelong learners.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§303. Mission and Goals**

A. The mission of Family and Consumer Sciences Education is to prepare students for family, work, and careers by providing opportunities to develop the knowledge, skills, attitudes, and behaviors needed for:

1. strengthening the well-being of individuals and families across the life span;
2. becoming responsible citizens and leaders in family, community, and work settings;
3. promoting optimal nutrition and wellness across the life span;
4. managing resources to meet the needs of individuals and families;
5. balancing personal, home, family, and work lives;

6. using critical and creative thinking skills to address problems in diverse family, community, and work environments;

7. achieving successful life management, employment, and career development;

8. functioning effectively as providers and consumers of goods and services; and

9. appreciating human worth and accepting responsibility for one's actions and successes in family and work life.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§305. Description of Framework**

A. In this document, framework refers to the entire field of Family and Consumer Sciences. A strand is the name of one of the five fields of study:

1. clothing and textiles;
2. housing, interiors, and furnishings;
3. human development and family relationships;
4. management of resources;
5. nutrition and foods.

B. The focus of each strand explains the discipline's importance to the overall education of students. The standards are descriptions of what a student should know and be able to do through subject matter, knowledge, and proficiencies gained as a result of studying that strand. Some strands have as many as 40 standards. Each standard is accompanied by benchmarks that identify processes and/or content that are used as a reference to assess student progress for the related standard. Curriculum was not addressed during the development of this framework. Each school system should assume responsibility for developing the local curriculum, using this document and the benchmarks in particular, as a guide. Content, instruction, and assessment methods should be approached by the individual teacher at the school level, based upon the approved curriculum. The relationship of each of these components is illustrated in the generic framework and the sample framework from Clothing and Textiles.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§307. Purpose and Development**

A. This framework document articulates, organizes, and integrates the content and processes of Family and Consumer Sciences. Further, it establishes standards for Louisiana Family and Consumer Sciences Education programs, defines the parameters of the FACS discipline, and provides a guide for curriculum writers to use in developing sound programs in Family and Consumer Sciences. The standards are designed to develop students' comprehension, knowledge, and competence.

B. In 1997, the National Association of State Administrators of Family and Consumer Sciences (NASAFACS), in partnership with the Vocational Consortium offsets (V-TECS) and Southern Association of Colleges and Schools (SACS), provided leadership to the national standards project including research, development, validation/verification, implementation strategies, and dissemination phases.

C. The Louisiana FACS Content Standards Committee, comprised of FACS teachers, teacher-educators, and state and local supervisors, used the National Family and Consumer Sciences standards as a basis for Louisiana's standards. First, the national standards and benchmarks were adapted to meet the needs of Louisiana's educational goals. The benchmarks were then cross-referenced to academic content standards and to the Louisiana Content Standards Foundation Skills.

D. The resulting framework uses the national standards to provide a unifying structure of course content, while maintaining sufficient flexibility to permit adaptability within local districts for the development of curriculum.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§309. Intended Audiences and Use**

A. This framework is intended to be used by teachers and curriculum developers to plan curriculum, instruction, and assessment for teachers and students. It also serves as a general reference to the basic principles of Family and Consumer Sciences:

1. for teachers and curriculum developers: a guide for planning curriculum, instruction, and assessment;
2. for parents: a means of assessing the effectiveness of their children's Family and Consumer Sciences education;
3. for administrators, supervisors, and school board members: an insight for planning resource allocations, material purchases, local curriculum development, and teachers' professional development;
4. for policy makers and state education staff: a basis for developing laws, policies, and funding priorities to support local reforms;
5. for staff developers: a basis for creating professional development materials and strategies designed to increase teachers' knowledge of Family and Consumer Sciences content, teaching methodologies, and assessment strategies;
6. for colleges and universities: a guide for content and design of teacher preparation programs; and
7. for business and industry leaders and government agencies: a basis for developing effective partnerships and local reforms for funding instructional materials and professional development.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

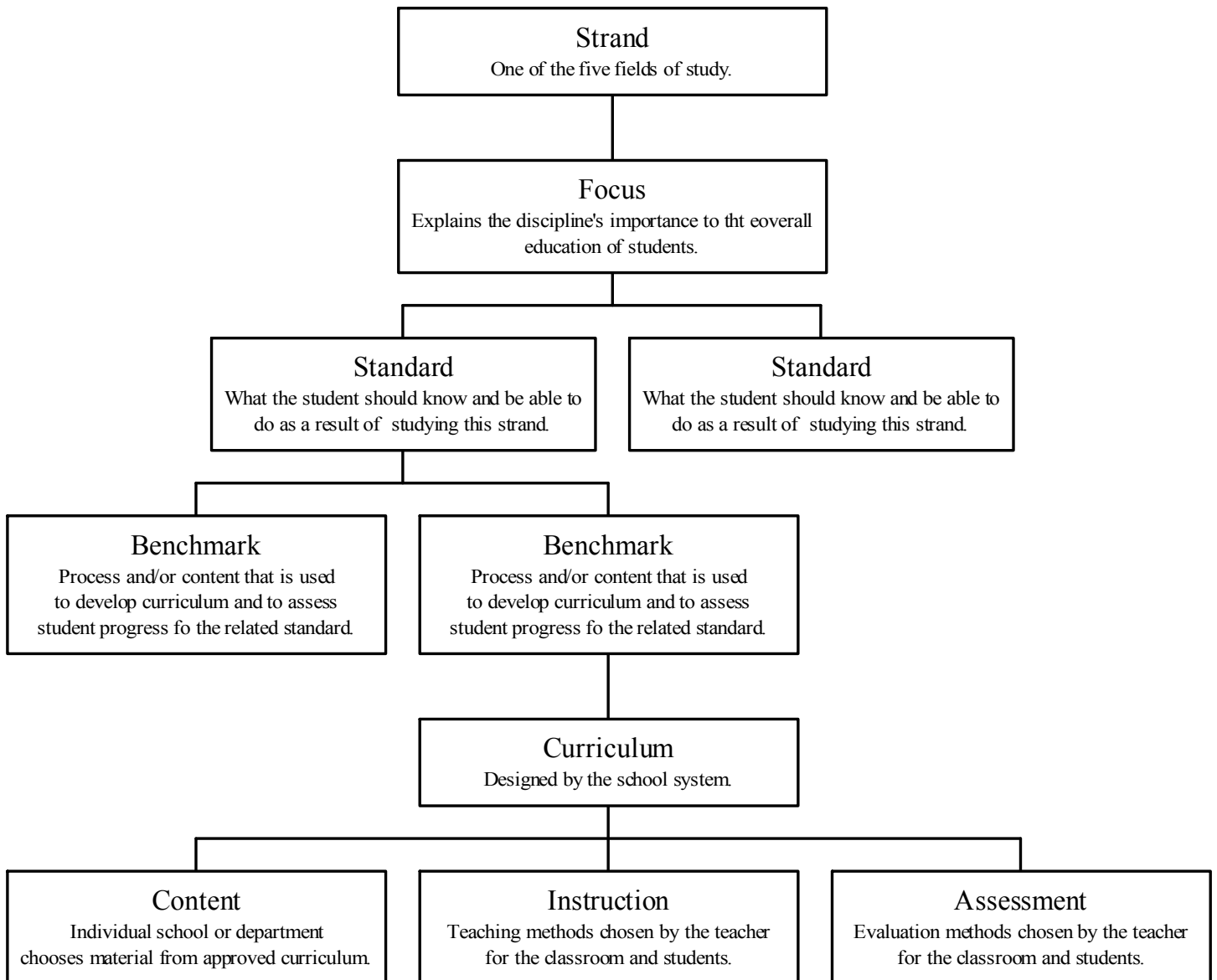
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:



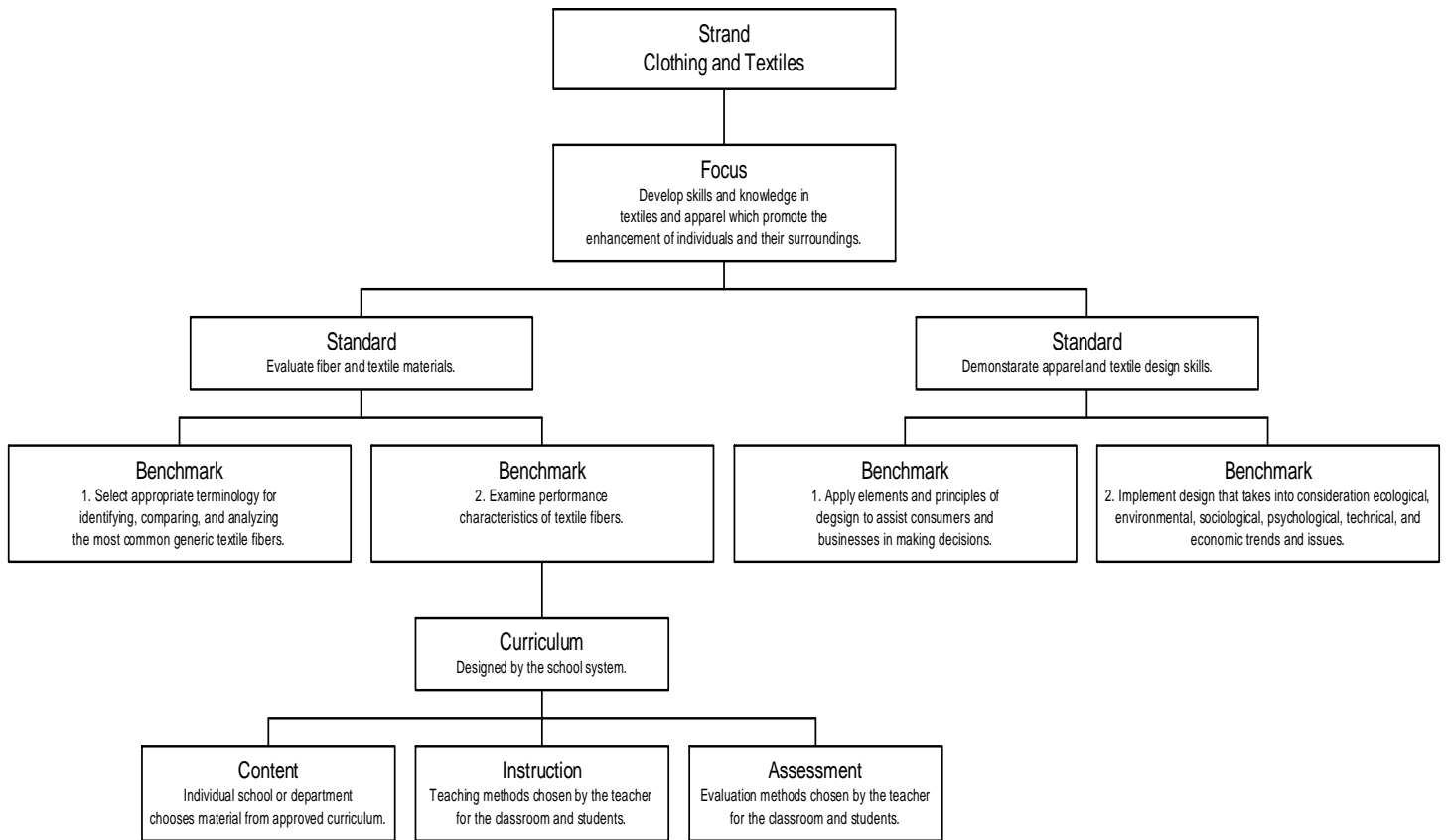
**Chapter 5. Framework**

**§501. General**

**A. The Entire Field of Study**



B. Quick Use References for Family and Consumer Sciences



AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§503. Strand: Clothing and Textiles**

A. Focus. Develop skills and knowledge in textiles and apparel which promote the enhancement of individuals and their surroundings.

B. Standards

1. Evaluate fiber and textile materials.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Select appropriate terminology for identifying, comparing, and analyzing the most common generic textile fibers.	ELA 1-1,3,4,5	Social Studies G-1B-1,2,4	1,2,3,4,5
2. Examine performance characteristics of textile fibers.	3-1,2,3	G-1C-1,2,5,6	
3. Examine textile legislation, standards, and labeling in the global economy.	4-1,2	G-1D-3,4	
4. Assess effects of textile characteristics on design, construction, care, use, and maintenance of products.	5-1,2,3,5,6	C-1C-2,3	
5. Select appropriate procedures for care of textile products.	7-1,2,4 Math P-1,3,5 Science SI-A-2,5,7 PS-D-1,7 SE-A-11 SE-B-4,5 SE-C-2,4 SE-D-1,2,4,5,6	C-1D-3,4 E-1A-2,6 H-1A-5 H-1B-6,9 H-1C-11	

2. Demonstrate apparel and textile design skills.

FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Apply elements and principles of design to assist consumers and businesses in making decisions.	ELA 1-1,3,4	Social Studies G-1B-1	1,2,3,4,5
2. Implement design that takes into consideration ecological, environmental, sociological, psychological, technical, and economic trends and issues.	3-1,2,3	G-1C-2,3,5,6	
3. Demonstrate the ability to create or use a pattern from a sketch or photograph.	4-1,2	G-1D-3,4	
4. Demonstrate the ability to use technology for fashion design.	5-4,6	E-1A-6,8	
5. Demonstrate hand and/or technological designs and textile procedures.	7-2,4	E-1B-2	
6. Determine elements and principles of design for use in the textile industry.	Math M-1,2,3,4	H-1B-6	
7. Apply basic and complex color schemes and color theory to develop and enhance visual effects.	G-1,2,3,6		
8. Examine the ways in which the elements and principles of design can affect visual appearance.	P-1 Science SE-A-1,3,11		
9. Utilize elements and principles of design in designing, constructing and/or altering textile products.	SE-C-1,2,3,4 SE-D-1,2,3,4,5,6		

3. Demonstrate basic construction techniques used to produce, alter, or repair textile products.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Use a variety of equipment, tools, and supplies for apparel and textile construction.	ELA 1-5	Social Studies G-1B-1,2,4	1,2,3,4,5
2. Demonstrate the ability to use sewing equipment.	3-2	G-1C-2,3,4,6	
3. Demonstrate basic skills for producing and altering textile products.	4-1,2,3,4	G-1D-1,2,3,4,5	
4. Use appropriate industry materials for cleaning, pressing, and finishing textile products.	Math N-1,2,3,4,5	C-1C-3 H-1A-1,2	
	M-1,2,3,4	H-1B-6,9	
	G-1	H-1C-11	
	D-3		

4. Analyze concepts of textile design in the manufacturing of apparel and textile products.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine the manufacturing processes that produce fibers and knit, woven, and non-woven textiles. 2. Explore current technology to facilitate textile design and manufacturing.	ELA 1-1,4 4-2,4,5 5-1,2,3,6 Math G-1 P-1 Science SE-A-11 SE-C-2	Social Studies G-1A-1 G-1B-2 G-1C-1,2,6 G-1D-1,2,3,4,5 C-1C-3 E-1A-1,2 E-1B-1,2 E-1C-2 H-1A-1,2 H-1B-6,9 H-1C-11,15	1,2,3,4,5

5. Evaluate elements of textile and apparel merchandising.

Benchmarks	Academic Cross-References		Louisiana
1. Review marketing strategies for apparel and textile products. 2. Assess the cost of constructing, manufacturing, altering, or repairing textile products. 3. Examine ethical consideration for merchandising apparel and textile products. 4. Examine external factors that influence merchandising. 5. Critique varied methods for promoting apparel and textile products.	ELA 1-1,3,4,5 4-4,5 5-1,2,3,6 7-1,2,4 Math D-1,7,8,9 P-1,2 Science SE-C-2	Social Studies G-1B-1,2,4 G-1C-1 G-1D-1,2,3 C-1C-2,3 C-1D-1,3 E-1A-1,2 E-1B-1,2,4 E-1C-4 H-1A-1,2,6 H-1B-6,9 H-1C-11,15	1,2,3,4,5

6. Evaluate the components of customer service.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Assess factors that contribute to quality customer relations. 2. Assess the impact of cultural diversity as a factor in customer relations. 3. Determine the skills necessary for quality customer service. 4. Determine solutions to address customer concerns.	ELA 1-3,4 2-2 4-1,2,4,5,6 5-1,2,3,6 7-1,2,4 Math N-1,2,5,7 M-1,2,3,4	Social Studies G-1A-2 G-1B-1,4 G-1C-4 C-1B-1,2 C-1C-2 H-1A-6 H-1B-6 H-1C-15	1,2,3,4,5

7. Demonstrate effective communication skills.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication. 2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership. 3. Use accepted textile and apparel industry terminology and technical information. 4. Practice client and interpersonal relation skills. 5. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity. 6. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements. 7. Exercise professional ethics in all matters related to the workplace.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4 Math N-1,3,4,5 A-1,3,4 M-1,2,3,4 G-1,2,3 D-1,5,7,8,9 P-1,2 Science SI-A-3,6 PS-A-1	Social Studies G-1B-1,2,3,4 G-1C-6 C-1D-1,2,3,4 E-1B-2 H-1A-6	1,2,3,4,5

8. Demonstrate employability skills and general operational procedures required for business profitability and career success.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate effective verbal, non-verbal, and technological communication skills.	ELA 1-1,3,4,5	Social Studies G-1B-1,2,3,4	1,2,3,4,5
2. Demonstrate interpersonal skills related to conflict resolution, negotiation, and leadership skills.	2-2,4,6	G-1C-2,3,4	
3. Demonstrate effective methods to locate, obtain, maintain, and terminate employment.	3-1,2,3	G-1D-1,2,3,4,5	
4. Examine legislation, government regulations, and public policy affecting the apparel and textile design, manufacturing, and merchandising industry.	4-1,2,3,4,6	C-1A-4,5,6	
5. Examine personal and employer responsibilities and liabilities regarding industry-related safety, security, and environmental factors.	5-1,2,3,5,6	C-1B-4	
6. Examine security and inventory control strategies, laws, and worksite policies, and analyze how they affect loss prevention and store profit.	7-1,2,4	C-1D-1	
7. Demonstrate procedures for reporting and handling accidents, safety, and security incidents.	Math N-1,2,3,4,5,6	E-1A-3,7	
8. Apply procedures for maintaining inventory control and loss prevention, including cash and credit transactions.	A-1,2,3,4	E-1B-1,2,3	
9. Examine operational costs such as mark up, mark down, cash flow, and other factors affecting profit.	D-3,8	E-1C-2,4	
10. Demonstrate knowledge of the arts, the use of various resources, and cultural impact upon design industries.	Science SI-1-3	H-1A-1,6 H-1B- 6,7,9,11,15	

9. Evaluate career paths in the textile and apparel design, manufacturing, and merchandising industries.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Research the roles and functions of individuals engaged in careers in the textiles and apparel industry.	ELA 1-1,3,4,5	Social Studies G-1B-1,4	1,2,3,4,5
2. Assess employment opportunities and preparation requirements.	2-2,6	G-1C-2,3,4,6	
3. Review education and training requirements for different levels of employment.	3-1,2,3	G-1D-5	
4. Research entrepreneurial opportunities related to these careers.	4-1,4,6	C-1D-1	
5. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.	5-2,3,6 7-1,2,4 Math N-1,3,5,7 A-1,2,3,4 D-1,6,7,8,9	E-1A-3 E-1C-3,15	

C. Available Courses

1. Family and Consumer Sciences I
2. Family and Consumer Sciences II
3. Clothing and Textiles
4. Advanced Clothing and Textiles
5. Clothing and Textile Services I
6. Clothing and Textile Services II
7. Adult Responsibilities
8. Family Life Education

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§505. Strand: Housing, Interiors, and Furnishings**

A. Focus. Develop skills and knowledge that relate to housing, interior design, furnishings, and careers while promoting aesthetic, safe, and practical family living and work environments.

**B. Standards**

1. Evaluate housing decisions in relation to available resources and options.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Analyze housing as it relates to physical, safety, psychological, and sociological needs throughout the life span. 2. Assess housing options in communities. 3. Predict future housing trends.	ELA 1-3,4,5 2-6 3-1,2,3 4-1 5-1,2,3,5,6 7-1,2,4 Math D-1,4,5,6,7 Science SI-A-1,2,4,6 SI-B-1,2 ESS-A-1,2 SE-A-3 SE-B-5 SE-C-1,2,3,4,5 SE-D-1	Social Studies G-1A-1 G-1B-3,4 G-1C-2,3,4,5,6 G-1D-1,2,3,5 C-1A-1,2 C-1B-3,4 C-1D-1,3 E-1A-1,2,4,6 E-1B-1,3,6 H-1A-2,4,5,6 H-1C-7,11,15	1,2,3,4,5

2. Apply principles and elements of design to create environments that are aesthetic and functional.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Specify the principles and elements of design. 2. Analyze the psychological impact of the principles and elements of design on the individual. 3. Analyze the effects that the principles and elements of design have on aesthetics and function. 4. Apply color schemes and color theory to develop and enhance visual effects.	ELA 1-1,3,4 2-6 3-1,2,3 4-1 5-2,3,6 7-1,2,4 Math A-1,2 M-1,2,3,4 G-1,2,3,6 Science SI-B-4	Social Studies G-1A-1 G-1B-1 G-1C-3	1,2,3,4,5

3. Demonstrate drafting, blueprint reading, and space planning skills using available technical resources.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Interpret information provided on blueprints. 2. Evaluate floor plans for efficiency and safety in areas including, but not limited to, zones, traffic patterns, storage, electrical, and mechanical systems. 3. Draw an interior space to scale, using correct architectural symbols and drafting skills. 4. Evaluate furniture placement with reference to principles of design, traffic flow, activity, and existing architectural features. 5. Utilize applicable building codes and universal access guidelines and regulations in space planning. 6. Create floor plans using technological resources.	ELA 1-1,3,4 2-2 3-1,2,3 4-1,2 5-1,2,3,4,6 7-1,2,4 Math N-1,2,3,4,5,6,7 A-1,2,3,4 M-1,2,3,4,5 G-1,2,3,4,5,6 D-1,2,3,4,6,7,8,9 P-1,2,3,4,5 Science SI-A-3,5	Social Studies C-1A-1,3,5 C-1D-1,2,3 E-1A-6 H-1A-6 H-1B- 6,9,15,16,17 H-1C-11,15	1,2,3,4,5

4. Analyze the influences on architectural and furniture design and development.

Benchmarks	Academic Cross-References		Louisiana
1. Describe features of furnishings that are characteristic of various historical periods. 2. Analyze how prosperity, mass production, and technology are related to the various time periods. 3. Trace the development of architectural styles throughout history. 4. Relate historical architectural details to current housing and interior design trends.	ELA 1-1,3,4,5 2-2,4,6 3-1,2,3 4-1,3,4 5-1,2,3,5,6 7-1,2,4 Math G-1,2,3,4,5,6 D-1,2,3,4,6,7,8,9 Science SE-A-4 SE-B-1,2,3,4,5,6	Social Studies G-1B-1,2,4 G-1D-1,2,5 E-1A-1,2,8 E-1B-3,5 E-1C-2 H-1A-1,2,4,5,6 H-1B-4,6,7,9,15,16, H-1C-10,11	1,2,3,4,5

5. Evaluate the use of housing and interior furnishings and products that relate to specific design needs.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Evaluate product information including, but not limited to, floor coverings, wall coverings, textiles, window treatments, furniture, lighting fixtures, kitchen and bath features, accessories, and building materials. 2. Defend the selection of manufacturers, products, and materials considering care, maintenance, safety, and environmental issues. 3. Demonstrate measuring, estimation, ordering, purchasing, and pricing skills. 4. Propose various interior furnishings, appliances, and equipment that provide cost and quality choices for clients.	ELA 1-1,3,4,5 2-2,6 3-1,2,3 4-1,,2,3,4,5,6 5-1,2,3,5,6 7-1,2,4 Math N-1,2,3,4,5,7 A-1,4 M-1,2,3,4 G-1,2,4 D-1,2,3,4,6,7,8,9 P-1,4,5 Science SI-A-1,3,5 SE-B-1,2,4,5 SE-D-1,2	Social Studies G-1B-1 C-1C-2,3 D-1D-1,2 E-1A-1,2,5,6 E-1B-1,2,3,5,6 E-1C-2 H-1A-2 H-1B-1,6,7,9,16,17 H-1C-9,10,11,15	1,2,3,4,5

6. Evaluate client's needs, goals, and resources to create a design plan.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Evaluate human needs, safety, space, and technology as they relate to housing and interior design goals. 2. Identify and assess a variety of available resources needed to achieve housing and interior goals. 3. Critique a design plan that addresses client's needs, goals, and resources.	ELA 1-1,3,4,5 2-2,6 3-1,2,3 4-1,4,6 5-2,3,6 7-1,2,4 Math P-1 Science SE-C-2	Social Studies G-1A-1 G-1B-1,3 G-1D-1,4 C-1D-1 E-1B-1,2 H-1A-2,6 H-1B-4,6,7,9,15,17 H-1C-10,11,15	1,2,3,4,5

7. Demonstrate design ideas through visual presentation.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Use appropriate media to prepare visual presentation of design ideas.	ELA 3-1,3 5-1,2,3,4,6 Math D-1,2,3,4,6,7,8,9 P-1,4,5 Science SI-A-3	Social Studies H-1C-15	1,2,3,4,5

8. Demonstrate effective communication skills.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication.	ELA 1-1,3,4	Social Studies C-1D-1,2,3,4	1,2,3,4,5
2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership.	2-1,2,6 3-1,2,3	E-1B-2 H-1A-6	
3. Use accepted interiors and furnishings industry terminology and technical information.	4-1,2,3,4,5,6 5-1,2,3,6		
4. Practice client and interpersonal relations skills.	7-1,2,4		
5. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity.	Math N-1,3,4,5		
6. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.	A-1,3,4 M-1,2,3,4		
7. Exercise professional ethics in all matters related to the workplace.	G-1,2,3 D-1,5,7,8,9 P-1,2 Science SI-A-3,6 PS-A-1		

9. Demonstrate employability skills and general procedures for business profitability and career success.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate effective verbal, non-verbal, and technological communication skills.	ELA 1-1,3,4,5	Social Studies G-1B-1,2,3,4	1,2,3,4,5
2. Demonstrate interpersonal skills related to conflict resolution, negotiation, and leadership skills.	2-2,4,6 3-1,2,3	G-1C-2,3,4,5,6 G-1D-1,2,3,4,5	
3. Demonstrate effective methods to locate, obtain, maintain, and terminate employment.	4-1,2,3,4,6 5-1,2,3,5,6	C-1A-4,5,6 C-1B-4	
4. Examine legislation, government regulations, and public policy affecting the interiors and furnishings industry.	7-1,2,4	C-1D-1 E-1A-3,7	
5. Examine personal and employer responsibilities and liabilities regarding industry-related safety, security, and environmental factors.	Math N-1,2,3,4,5,6	E-1B-1,2,3 E-1C-2,4	
6. Examine security and inventory control strategies, laws, and worksite policies and analyze how they affect loss prevention and store profit.	A-1,2,3,4 D-3,8	H-1A-1,6 H-1B-6,7	
7. Demonstrate procedures for reporting and handling accidents, safety, and security incidents.	Science SI-A-3		
8. Apply procedures for maintaining inventory control and loss prevention, including cash and credit transactions.			
9. Examine operational costs such as mark up, mark down, cash flow, and other factors affecting profits.			
10. Demonstrate knowledge of the Arts, the use of various resources, and cultural impact upon design industries.			

10. Evaluate career paths within the interiors and furnishings industries.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Research the roles and functions of individuals engaged in interiors and furnishings careers.	ELA 1-3,4,5	Social Studies G-1B-1,4	1,2,3,4,5
2. Assess employment opportunities and preparation requirements.	2-6	G-1C-2,3,4,6	
3. Review education and training requirements for different levels of employment.	3-1,2,3 4-1	G-1D-1,5 C-1D-1	
4. Research entrepreneurial opportunities related to these careers.	5-1,2,3,6	E-1A-3	
5. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.	7-1,2,4 Math N-1,3,5,7 A-1,2,3,4 D-1,6,7,8,9	E-1C-3 H-1C-15	

C. Available Courses

1. Family and Consumer Sciences I
2. Family and Consumer Sciences II
3. Housing
4. Housing and Design Services
5. Adult Responsibilities

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:



**§507. Strand: Human Development and Family Relationships**

**A. Focus**

1. Integrate multiple life roles to enable individuals to connect family, community, and career responsibilities.
2. Promote optimal growth and development of self, family members, and others across the life span.
3. Analyze how the well-being of individuals and society is dependent upon the family.

4. Demonstrate respectful and caring relationships in the family, community and workplace.

5. Analyze parenting roles and responsibilities and their impact on strengthening the well-being of individuals and families.

6. Develop practices that promote optimal growth and development of children.

**B. Standards**

1. Analyze human growth and development across the life span.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Explain principles of human growth and development. 2. Examine major historical and current human development theories to interpret human development. 3. Examine the basic human needs and patterns that influence individual development. 4. Explain factors that shape human development from preconception through the life cycle. 5. Consider the influences of personality, temperament, and experience on learning and development. 6. Investigate the interrelationship of physical, emotional, social, and intellectual development across the life span.	ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3,6 7-1,2,4 Math P-1 Science LS-A3 LS-B1,B3,B4	1,3,4

2. Analyze personal and social forces that impact human growth and development across the life span.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Investigate the impact of heredity and family on human growth and development. 2. Determine the impact of social, economic, and technological forces on human growth and development. 3. Explain the effects of gender, ethnicity, and culture on individual development. 4. Assess the effects of environment and community on human growth and development. 5. Explain the effects of life events and conditions on individuals' physical and emotional development.	ELA 1-1,3,4,5 2-6 3-1,2,3 4-1,2,3,4 5-1,2,3,6 7-1,2,4 Math D-1 Science LS-B1,B3	Social Studies G-1B-4 G-1C-6 H-1C-15 1,2,3,4,5

3. Analyze all aspects of a child's growth and development.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Analyze principles of human growth and development. 2. Evaluate major historical and current child development theories and their effects on educational practices. 3. Examine and assess all aspects of a child's growth and development in the following areas: physical, cognitive, language acquisition, social, and emotional. 4. Determine strategies that promote a child's growth and development. 5. Analyze cultural and environmental influences when assessing children's development.	ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3,6 7-1,2,4 Math D-1 Science LS-A3 LS-B1,3,4	1,2,3,4,5

4. Evaluate the preparation necessary for a healthy emotional and physical beginning for parents and children.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Assess biological processes related to prenatal development, birth, and factors that affect the health of mother and child. 2. Review the emotional factors of prenatal development and birth involving the health of the parents and child.	ELA 1-1,3,4,5 7-1,2,4 Math N-1,5 Science LS-A3 LS -B1,3,4	1,2,3,4,5

5. Evaluate strategies that promote healthy development across the life span.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Select nurturing practices that support development across the life span. 2. Assess available support systems that meet human needs. 3. Determine communication principles and patterns that affect human growth and development.	ELA 1-1,3,4,5 4-1,2,4,6 7-1,2,4 Math P-1	1,2,3,4

6. Evaluate attributes of respectful and healthy relationships.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Determine the processes for building and maintaining respectful and healthy relationships. 2. Review functions and expectations of various types of relationships. 3. Determine factors contributing to healthy and unhealthy relationships. 4. Assess processes for handling unhealthy relationships. 5. Appraise the impact of life events and conditions on relationships. 6. Assess the effect that various stages of the life span have on relationships.	ELA 1-1,3,4,5 2-1,2,4,6 7-1,2,4 Math D-1	1,2,4

7. Analyze personal needs and characteristics which influence relationships.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine personal, physical, social, emotional, cognitive, and creative characteristics which influence relationships. 2. Explain how self-esteem and self-image affect relationships with others. 3. Compare physical, emotional, and intellectual responses to stable and unstable relationships. 4. Examine personal ethical standards and codes of conduct. 5. Examine the effects of personal needs on relationships.	ELA 1-1,3,4 4-4,6 7-1,2,4 Math D-1	Social Studies C-1D-2 1,2,3,4,5

8. Demonstrate the capacity to empathize with others based on multiple perspectives, needs, and characteristics that may affect personal and family relationships.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate the impact of empathy on relationships. 2. Demonstrate awareness of cultural diversity and its impact on relationships. 3. Examine the consequences of making generalizations about cultural groups by using categories or labels.	ELA 1-1 4-1,4,6 7-1,2,4 Math D-1	Social Studies G-1B-4 1,2,3,4,5

9. Demonstrate communication skills that contribute to positive relationships.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine communication styles and their effects on relationships.	ELA		1,2,3,4,5
2. Examine factors that affect messages communicated to others.	1-1,3,4		
3. Examine types of verbal and non-verbal communication.	2-1,2,6		
4. Demonstrate active and reflective listening.	3-1,2,3		
5. Demonstrate attitudes and behaviors that foster effective communication.	4-1,2,3,4,5,6		
6. Examine communication barriers.	5-1,2,3,6		
7. Demonstrate constructive feedback techniques.	7-1,2,4		
8. Apply ethical principles in communication.			
9. Examine how differences and similarities among people affect communication.			

10. Apply strategies to prevent and manage conflict.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Determine causes of conflict.	ELA	Social Studies	1,2,3,4,5
2. Determine effective conflict prevention and management.	1-1,3,4	G-1C-4	
3. Determine the origin and development of attitudes and behaviors toward conflict.	2-1,2,6		
4. Determine how similarities and differences among people affect conflict prevention and management.	3-1,2,3		
5. Determine the roles of decision making and problem solving in reducing and managing conflict.	4-1,2,3,4,5,6		
6. Demonstrate nonviolent strategies to address conflict.	5-1,2,3,6		
7. Locate community resources that support conflict prevention and management.	7-1,2,4		
8. Determine physical, emotional, and intellectual responses to threats.			

11. Demonstrate leadership skills and abilities reflecting the democratic process in the family, community, and workplace.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Present the attributes of a family, team, or work group utilizing the democratic process.	ELA		1,2,3,4,5
2. Examine the impact of leadership skills, abilities, and styles on collaborative group actions.	1-4		
3. Demonstrate leadership skills that support group members and achieve group goals.	2-6		
4. Establish guidelines for leadership in the family, community, and workplace.	3-1,2,3		
5. Examine leadership in relation to the ability to create and adjust to change.	4-1,2,3,4,6		
	7-1,2,4		

12. Demonstrate ethical standards to guide behaviors in the family, community, and workplace.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine ethical standards for making judgments related to personal and family relationships.	ELA		1,2,3,4,5
2. Apply ethical standards when making judgments and taking action.	1-1		
3. Apply guidelines for assessing the ethical nature of issues and situations.	7-1,2,4		
4. Demonstrate ethical behaviors in the family, community, and workplace.			

13. Apply strategies to manage stressful situations.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine ethical standards for making judgments related to personal and family relationships.	ELA		1,3,4,5
2. Apply ethical standards when making judgments and taking action.	1-1		
3. Apply guidelines for assessing the ethical nature of issues and situations.	4-2		
4. Demonstrate ethical behaviors in the family, community, and workplace.	7-1,2,4		
	Science		
	LS-G1,G3,G4		

14. Demonstrate leadership and team skills in the family, community, and workplace.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate ways to show respect for ideas and contributions of all group members. 2. Demonstrate ways to organize and delegate responsibilities. 3. Demonstrate ways to motivate and encourage group members. 4. Demonstrate ways to cooperate, compromise, and collaborate. 5. Demonstrate ways to develop team and community spirit. 6. Create an environment that encourages expressing ideas and perspectives. 7. Examine the strengths and limitations of team members. 8. Create strategies for integrating new members into a team. 9. Apply transferable leadership skills that may be applied in family, community and workplace environments. 10. Demonstrate transferable planning skills for designing group visions, missions, and policies related to critical issues of the family, community, and workplace.	ELA 1-1 4-1,6 7-1,2,4	Social Studies G-1B-3,4	1,2,3,4,5

15. Examine the significance of the family.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Analyze the development of families in this culture and others. 2. Analyze the impacts of social, economic, and technological forces on the family. 3. Describe the roles of family in teaching culture to family members. 4. Describe the roles of family in instilling societal skills of communication, education, and role expectations.	ELA 1-1,3,4,5 2-6 3-1,2,3 4-1,2,4,6 5-1,2,3,6 7-1,2,4 Math D-1	Social Studies G-1B-1	1,2,3,4

16. Analyze family development and change across time and cultures.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Describe family formation. 2. Describe major family responsibilities including care giving, child rearing, social, legal, education, economic, leisure, security, and spirituality. 3. Compare ways in which family members are dependent, interdependent, and independent. 4. Examine commitment and interdependence among family members. 5. Analyze the family as a system and its effects on individual family members within the family unit. 6. Examine how knowledge of family systems contributes to family well-being. 7. Examine the potential impact of a change in family membership.	ELA 1-1,3,4,5 2-1,2,3,4,6 3-1.2.3 4-1,2,4,6 7-1,2,4 Math D-1 Science LS-A3, B1,3,4	Social Studies C-1D-1,3,4	1,2,3,4,5

17. Analyze the characteristics of strong and healthy families.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate how the use of problem-solving skills in making choices empowers family members. 2. Demonstrate leadership by supporting individual family members to clarify and pursue their own visions, empowering them to use problem-solving skills in decision making. 3. Examine the roles of family communication to enhance family stability. 4. Analyze skills and resources families use in meeting family functions. 5. Recognize difficulties in predicting long-term consequences of family actions.	ELA 1-1,3,5 4-1,2,4,6 7-1,2,4		1,2,3,4,5

18. Analyze the relationship of careers to individual and family needs and desires.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Investigate career paths to determine the skills, roles, and responsibilities associated with each.	ELA 1-1,3,4,5	Social Studies	1,2,3,4,5
2. Examine the potential of career path decisions related to finances, time, geographic locations, future career viability, and other considerations.	2-6 3-1,2,3	G-1C-2,3,6 G-1D-4	
3. Examine how individual career goals can enhance the family's capacity to meet goals for all family members.	5-1,2,3,4,5,6 7-1,2		
4. Examine the issues related to balancing family and work roles.	Math D-6,7		

19. Analyze roles and responsibilities of parenthood.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Explain the roles of parenting.	ELA 1-1,3,4,5	Social Studies	1,2,3,4,5
2. Explain how opinions and attitudes about childhood affect beliefs and actions in parenting.	4-1,2,4,6 7-1,2,4	G-1B-3,4 C-1D-1	
3. Compare expectations and responsibilities of parenthood.	Math N-1,2		
4. Examine consequences of parenting practices to the individual, family, and society.	M-1,2,4 D-1,7,9		
5. Examine cultural differences in roles and responsibilities of parenthood.			

20. Analyze societal conditions that impact parenting.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Analyze the impact of personal, family, and social development on parenthood.	ELA 1-1,3,4,5	Social Studies	1,2,3,4,5
2. Examine society's influence on the behaviors and emotional patterns of caregivers and family members.	5-1,2,3,6 7-1,2,4	C-1A-5 C-1B-1,2,3	
3. Explore the impact of changing economic conditions on parenting practices.	Math D-1		

21. Analyze parenting skills and practices needed to support physical, economical, social, intellectual, and emotional well-being throughout the life span.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine the interrelationships of parents and other family members and analyze their effect on others.	ELA 1-1		1,2,4,5
2. Determine the role of nurturance in supporting the development of family members.	4-1,2,4,6 7-1,2,4		
3. Examine communication strategies which promote positive self-esteem in family members.			

22. Analyze public policies, agencies, and services that impact parenting.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Investigate community resources and services available for protection, health, education, and wellness needs of family members.	ELA 1-1,3,4,5	Social Studies	1,2,3,4,5
2. Investigate community agencies and services that provide opportunities to learn parenting skills.	5-1,2,3,6	C-1D-3,4	

23. Demonstrate a safe and healthy learning environment.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Manage physical space to meet established state regulations for a safe environment. 2. Manage potential environmental hazards. 3. Demonstrate security and emergency procedures. 4. Carry out safe and healthy practices that comply with state regulations to include, but not be limited to, first aid and CPR, universal precautions, food handling, tuberculosis prevention, sanitation, and child's health status. 5. Implement strategies to teach children healthy habits. 6. Prepare nutritious meals and snacks. 7. Identify symptoms of child abuse and neglect and use appropriate procedures to report suspected abuse or neglect to the designated authorities. 8. Implement basic health practices and prevention procedures regarding childhood illnesses and communicable diseases.	ELA 1-1,3,4,5 5-1,2,3,6 7-1,2,4 Math N-1 M-1,3 Science SE-C1,2 SE-A-11	Social Studies C-1B-6 C-1D-3	1,2,3,4,5

24. Apply developmentally appropriate practices to the care of children.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Identify developmental milestones of a child's growth and development. 2. Apply a variety of assessment methods to observe and interpret children's behavior. 3. Identify the special needs of exceptional children. 4. Recognize individual learning styles and cultural backgrounds. 5. Arrange learning centers that provide for a child's exploration and discovery. 6. Consider the effects of cultural practices on children's behavior.	ELA 1-1,3,4,5 5-1,2,3,6 7-1,2,4	Social Studies G-1B-4	1,2,3,4,5

25. Demonstrate integrated curriculum and instruction that focus on children's developmental needs and interests.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Explore a variety of curricula and instructional models. 2. Implement learning activities in all curricular areas that meet the developmental needs of children. 3. Demonstrate a variety of teaching methods to meet individual needs of children. 4. Set up activities, routines, and transitions. 5. Implement an integrated curriculum that incorporates a child's language, learning styles, home experiences, and cultural values.	ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3,6 7-1,2,4	Social Studies G-1B-4 G-1C-4	1,2,3,4,5

26. Demonstrate positive classroom management and child guidance methods.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Establish developmentally appropriate guidelines for behavior. 2. Implement a variety of techniques for positive guidance and proactive classroom management. 3. Model problem-solving skills with children. 4. Model interpersonal skills that promote positive and productive relationships. 5. Facilitate constructive, supportive interaction and communication skills with children, families, and colleagues.	ELA 4-1,2,4,6 7-1,2,4		1,2,3,4,5

27. Demonstrate positive collaborative relationships with families and the community.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Implement strategies for involving families to promote a child's growth and development. 2. Communicate information to parents regarding developmental issues and concerns related to children. 3. Demonstrate sensitivity to differences in family structure, social, and cultural backgrounds. 4. Identify resources that link families to community services based on identified priorities and concerns.	ELA 2-1,2,3,4,6 3-1,2,3 4-1,2,4,6 5-1,2,3,6 7-1,2,4	Social Studies G-1B-4 G-1C-4	1,2,3,4,5

28. Demonstrate the interrelationship of family, community, and career roles and responsibilities for individuals.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine the relationship of social, economic, and technological changes to work and family dynamics.	ELA 1-1,3,4,5	Social Studies 1,2,3,4,5
2. Examine life roles and responsibilities in relation to self, family, and the community.	2-6 3-1,2,3	C-1B-3, 4 C-1C-3 C-1D-1, 3, 4
3. Design strategies to manage time, finances, conflict, opportunity, and stress as they affect the individual and family at home, at work, and in the community.	5-1,2,3,4,5,6 7-1,2	E-1A-1, 2, 3, 5, 6, 7
4. Examine family support systems and community resources.	Math N-1,2,3	E-1B-1, 2,3, 5, 6 E-1C-2, 3, 4
5. Examine sources of formal and informal support available to families and individuals in the community.	D-7	H-1A-6 H-1C-15

29. Analyze the relationship among families, communities, and employment.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Distinguish between dependency and empowerment and explain how each affects individual and family well-being.	ELA 1-1,3,4,5	Social Studies 1,2,3,4,5
2. Compare the concepts of service and self-interest and the impact of each on individuals, family, and community.	2-6 3-1,2,3	C-1D-3
3. Identify how public policies, institutions, and agencies can strengthen or undermine the family.	4-1,2,4 5-1,2,3,6	
4. Develop a plan to promote conditions that enhance family life.	7-1,2,4	

30. Demonstrate the impact of individual and family participation on community activities.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine community needs related to all aspects of individual and family activities.	ELA 1-1,3,4,5	Social Studies 1,2,3,4,5
2. Design a plan for individuals and families to select, participate, and develop skills in community activities.	2-6 3-1,2,3	C-1 D-1,2,3,4
3. Execute skills needed to provide services that benefit the community.	5-1,2,3,4,5,6	
4. Examine the effects of service to the community on individuals and families.	7-1,2	

31. Analyze issues related to the workplace and community and explain how these issues may be addressed by individuals, families, and collectively, by communities.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine trends in the workplace, communities, and culture that impact individuals and families.	ELA 1-1,3,4,5	Social Studies 1,2,3,4,5
2. Interpret policies and issues in the workplace and community that impact individuals and families.	2-6 3-1,2,3	G-1B-1,4 G-1C-4,6 H-1C-15
3. Examine strategies that can address the needs of individuals and families in the workplace and community.	4-1,2,3,4 5-1,2,3,6 7-1,2,4	
	Math D-1	

32. Synthesize community networking opportunities in family and community services.

\*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Identify local, state, and national agencies and informal support resources providing human services to individuals and families.	ELA 1-1,3,4,5	Social Studies 1,2,3,4,5
2. Research human service agencies and relevant resource information.	2-6 3-1,2,3	C-1D-3,4
3. Analyze the missions and practices of human service agencies.	4-1,2,4,6	
4. Network and form partnerships with local human service agencies.	5-1,2,3,6	
5. Conduct needs assessments of local human service agencies.	7-1,2,4	
6. Plan, conduct, and assess ongoing activities or projects, such as service learning, to address the needs of human service agencies and schools.		

33. Analyze professional, ethical, legal, and safety issues in community services.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Identify the development of human service providers. 2. Investigate professional, ethical, legal, and safety issues that confront human service employees. 3. Evaluate licensing laws and regulations that affect service providers and their participants. 4. Analyze harmful, fraudulent, and deceptive human service practices. 5. Identify the rights and responsibilities of human service participants and their families. 6. Demonstrate professional, ethical, legal, and safety practices in human services. 7. Demonstrate effective individual, family, and self-advocacy strategies to overcome diverse challenges facing human service participants.	ELA 1-1,3,4,5 5-1,2,3,6 7-1,2,4	C-1D-1,3,4	1,2,3,4,5

34. Evaluate conditions affecting individuals and families with a variety of disadvantaging conditions.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Describe the stages of life span development. 2. Determine health, wellness, and safety issues of individuals and families with a variety of disadvantaging conditions. 3. Determine management and living environment issues of individuals and families with a variety of disadvantaging conditions. 4. Determine personal, social, emotional, economical, vocational, educational, and recreational issues for individuals and families with a variety of disadvantaging conditions. 5. Differentiate between situations that require personal prevention or intervention from those situations that require professional assistance. 6. Identify strategies that require crisis intervention. 7. Justify the appropriate support needed to address selected human service issues.	ELA 1-1,3,4,5 4-1,2,4,6 7-1,2,4		1,2,4,5

35. Demonstrate practices, helping processes, and skills that provide human services to individuals and families with a variety of disadvantaging conditions.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Describe characteristics and issues related to special populations. 2. Identify needs and accommodations for people with a variety of disadvantaging conditions. 3. Identify ways in which the family is affected financially, socially, and emotionally by individuals with a variety of disadvantaging conditions. 4. Identify coping or adjustment strategies and stress management practices for the participant, caregivers, and family members. 5. Recognize the importance of friends, family, and community relationships to individuals with a variety of disadvantaging conditions. 6. Provide support which validates the participants' capabilities and rights to privacy, dignity, and autonomy. 7. Observe professionals meeting the physical, personal management, and community living needs of participants. 8. Assist and support professionals to enable participants to develop strategies to make informed choices, access resources and support, follow through on responsibilities, and take appropriate risks. 9. Model verbal and non-verbal communication skills related to advising and counseling by human service professionals. 10. Appraise helping processes and skills provided by professionals in human services.	ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3,6 7-1,2,4 Math N-1,2 D-1	Social Studies C-1D-3	1,2,3,4,5



36. Demonstrate positive interactions and communication within the work environment.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate communication and interaction skills that foster team building. 2. Demonstrate respect of individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity. 3. Prepare for and participate in program-sponsored events. 4. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.	ELA 4-1,2,4,6 7-1,2,4	Social Studies G-1B-4 G-1C-4	1,2,3,4,5

37. Demonstrate effective communication skills that enhance collaborative working relationships.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication. 2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership. 3. Use accepted career/service terminology and technical information. 4. Practice appropriate personal hygiene and dress requirements for early childhood, education, and human service careers. 5. Practice client and interpersonal relations skills. 6. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity. 7. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4 Math D-1 N-5	Social Studies C-1D-1,2,3,4 H-1A-6 E-1B-2	1,2,3,4,5

38. Demonstrate transferable employability skills in relation to individual, family, community, and career roles.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate job-seeking skills. 2. Apply communication skills in family, community and career settings. 3. Demonstrate work ethics and professionalism. 4. Maintain safe and healthy family, community, and workplace environments. 5. Demonstrate team skills needed in the family, community, and workplace. 6. Demonstrate technological literacy, as applied in family, community and workplace environments. 7. Apply the economics of work to individual, family, and community needs. 8. Relate essential living skills to employability skills for individuals. 9. Practice appropriate personal hygiene and dress requirements needed in various workplaces.	ELA 1-1,3,4,5 2-2,4,6 3-1,2,3 4-1,2,3,4,6 5-1,2,3,5,6 7-1,2,4 Math D-1	Social Studies C-1D-1,2,3,4 E-1B-3,6 E-1C-4 H-1C-15	1,2,3,4,5

39. Demonstrate professional practices and standards when working with children and families.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Participate in continuing training and educational opportunities. 2. Apply professional ethical standards accepted by the recognized professional organizations. 3. Implement federal, state, and local standards, policies, regulations, and laws which impact children, families, and programs. 4. Demonstrate employability skills. 5. Demonstrate confidentiality. 6. Maintain all records required by program and licensing standards.	ELA 1-1 7-1,2,4	Social Studies C-1D-3,4	1,2,3,4,5

40. Evaluate career paths within early childhood, family, community, and education services.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Assess the importance of early childhood, family, community, and educational services in the United States and the world.	ELA 1-3,4,5	Social Studies G-1B-1,4	1,2,3,4,5
2. Research the roles and functions of individuals engaged in early childhood, family, community, and educational services careers.	2-6 3-1,2,3	G-1C-2,3,4,6 G-D-5	
3. Assess employment opportunities and preparation requirements.	4-1	C-1D-1	
4. Review education and training requirements for different levels of employment.	5-1,2,3,6	E-1A-3	
5. Assess the impact of early childhood, family, community, and educational service occupations on the local, state, national, and global economies.	7-1,2,4 Math	E-1C-3	
6. Research entrepreneurial opportunities related to these careers.	D-1,7		
7. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.			

41. Evaluate management skills for establishing a quality business related to children.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Assess various types of businesses.	ELA 1-1,3,4,5	Social Studies G-1A-1,4	1,2,3,4,5
2. Determine the need for quality services.	5-1,2,3,6	C-1A-1,4	
3. Investigate the legal requirements and tax laws for a business.	7-1,2,4 Math	E-1A-1,2,3,8 E-1B-1,2,3	
4. Investigate insurance issues related to businesses.	N-1,2		
5. Critique financial plans for businesses.	D-1,7,8,9		
6. Examine marketing and management plans that may be applied to businesses.			

C. Available Courses

1. Family and Consumer Sciences I
2. Family and Consumer Sciences II
3. Adult Responsibilities
4. Child Development
5. Family Life Education
6. Parenthood Education
7. Advanced Child Development
8. Child Care I
9. Child Care II
10. Home/Institutional Support Services

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§509. Strand: Management of Resources**

A. Focus

1. Analyze the roles managing human, economic, and environmental resources may have on enabling individuals, families, and communities to achieve self-sufficiency.
2. Integrate practices in family and community services to address the unique needs of individuals and families.
3. Develop skills and strategies that focus on careers in consumer sciences.

B. Standards

1. Demonstrate management principles to meet individual and family needs and wants in relation to food, clothing, shelter, health care, and transportation.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine how individuals and families make choices to satisfy needs and wants.	ELA 1-1,3,4,5	Social Studies C-1A-5,6,7	1,2,3,4,5
2. Utilize a time management plan to meet individual and family goals.	2-6	C-1B-2,3,4,5,6	
3. Design a plan of work to organize tasks and responsibilities.	3-1,2,3	C-1D-1,3,4	
4. Apply consumer skills needed to purchase safe and nutritious food for individuals and the family.	4-1,2,4,6	E-1A-1,2,3,6,7,8	
5. Apply consumer skills needed to purchase, create, and maintain clothing.	5-1,2,3,6	E-1B-1,2,3	
6. Implement decisions related to housing and furnishings based on the needs of individuals and family members.	7-1,2,4 Math	E-1C-2,3,4 H-1A-6	
7. Examine information for procuring and maintaining health care to meet the needs of individuals and family members.	N-1,2,5	H-1C-15	
8. Apply consumer information for acquiring and maintaining transportation to meet the needs of individuals and family members.	M-1,4		

2. Demonstrate how a personal life plan reflects family, community, learning, leisure, and career goals.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine careers in relation to individual and family needs, lifestyle, values, and financial resources.	ELA 1-1,3,4,5	Social Studies G-1B-1,4	1,2,3,4,5
2. Plan goals for life-long learning and leisure opportunities for all family members.	2-1,2,3,6	G-1C-2,4,6	
3. Design strategies to promote growth of individuals within the family and within selected career paths.	3-1,2,3	G-1D-2,4	
4. Compose goals to support community and civic responsibilities as individuals and family members.	4-1,2,4	C-1A-6	
5. Integrate individual, family, community and work activities to meet multiple goals at one time.	5-2	C-1B-2,3,6	
6. Analyze skills and knowledge needed to develop alternative strategies for life-plan visions as unexpected changes occur related to individual, family, community, and work situations.	7-1,2,4 Math D-7	C-1D-1,2,3,4 E-1A-3 H-1C-15	

3. Analyze the interrelationship between the economic system and consumer decisions and actions.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine how individuals and societies make choices to satisfy needs and wants with limited resources.	ELA 1-1,3,4,5	Social Studies C-1A-3,5,7	1,2,3,4,5
2. Examine the components of the economic system and examine how individuals are a part of the system.	4-4,5,6	C-1B-3	
3. Consider personal responsibility for use of resources.	5-1,2,3,5,6	C-1D-1,2,3,4	
4. Examine laws and regulations that pertain to consumers and providers of services.	7-1,2,4	E-1A-1,2,3,4,5,6,7	
5. Examine how career decisions affect the economic status of individuals and the family, and in turn, the economic system.	Math N-1,5	E-1B-1,2,3,4,5,6 E-1C-2,4	
6. Determine practices that allow families to maintain economic self-sufficiency.	A-1	H-1A-6	
7. Compare the availability, costs, and benefits of accessing public, nonpublic, and for profit services to assist the family.	M-4	H-1C-15	
8. Investigate how individuals exchange work or resources for income to buy goods and services and pay taxes.	D-1,6,7 Science SE-B1,2,4		

4. Analyze financial planning to meet the needs of individuals and families across the life span.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Investigate information related to financial management.	ELA 1-1,3,4,5	Social Studies C-1D-1	1,2,3,4,5
2. Examine the purposes of personal and legal documents related to home and family management.	2-6	E-1A-1,2,4,5,6,7	
3. Apply financial management practices related to budgeting, banking, credit, savings, and investments.	3-1,2,3	E-1B-1,2,3,4,5,6	
4. Examine the need for personal and family financial planning at various stages of the life span.	4-2,5,6	E-1C-2,3,4	
5. Explore individual and family needs for insurance for life, health, apartment/home, and auto.	5-1,2,3,4,5,6 7-1,2,4 Math N-1,2,3,4,5 M-2,4 D-1,6,7	H-1C-15	

5. Demonstrate how to develop a long-term financial management plan.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Investigate information related to financial management.	ELA 1-1,3,4,5	Social Studies C-1A-5,7	1,2,3,4,5
2. Examine the purposes of personal and legal documents related to home and family management.	2-1,2,3,4,6	C-1D-1	
3. Apply financial management practices related to budgeting, banking, credit, savings, and investments.	3-1,2,3	E-1A-1,2,3,5,6,7	
4. Examine the need for personal and family financial planning at various stages of the life span.	4-1,2,3,4,5,6	E-1B-1,2,3,4,5,6	
5. Explore individual and family needs for insurance for life, health, apartment/home, and auto.	5-1,2,3,4,5,6 7-1,2,4 Math N-1,2 M-1,4 D-1,7,8	E-1C-2,3,4 H-1C-15	

6. Demonstrate how individual and family behaviors maintain and protect the environment.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Evaluate how environmental trends and issues affect families and future generations.	ELA 1-1,3,4,5	Social Studies G-1D-2,4,5	1,2,3,4,5
2. Implement behaviors that conserve, reuse, and recycle resources to maintain the environment.	2-6 4-2,4,5,6	C-1A-5 C-1B-6	
3. Demonstrate individual and family responsibility in relation to the environment.	5-1,2,3,5,6 7-1,2,4	C-1D-3 E-1A-8	
4. Implement government regulations for conserving natural resources.	Math D-1,6,7	E-1B-4,5,6 H-1A-6	
	Science SE-A-11	H-1C-15	
	SE-B-1,2,3,4,5,6		
	SE-C-1,2,3,5		
	SE-D-1,2,3,4,5,6		

7. Analyze resource consumption in the home and workplace for conservation and waste management practices.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Contrast sources and types of energy.	ELA 1-1,3,4,5	C-1B-6	1,2,3,4,5
2. Analyze sources and types of residential and commercial energy, waste disposal, and pollution issues.	2-6	C-1D-1,3 E-1A-7,8	
3. Assess consumer programs and services provided by government, public utilities, resource recovery businesses, and environmental organizations.	3-1,2,3	E-1B-2	
4. Recommend strategies and consumer practices that help consumers and businesses conserve energy and reduce waste.	4-1,2,3,4,5,6	H-1A-6	
5. Evaluate waste management issues.	5-1,2,3,6	H-1C-15	
6. Describe roles of government, industry, and family in energy consumption and conservation as they relate to the home and workplace.	7-1,2,4		
	Math N-1,2,6		
	M-1		
	D-5		
	Science ESS-A1		
	SE-A-1		
	SE-B-1,2,4,5,6		
	SE-C-1,2,3,4,5		
	SE-D-1,2,3,4,5,6		

8. Analyze the impact of technology on resource management for individuals and families.

Benchmarks	Academic Cross-References		Louisiana
1. Explore types of technology currently impacting consumer decision making.	ELA 1-1,3,4,5	Social Studies C-1B-6	1,2,3,4,5
2. Examine how media and technological advancement impact consumer decisions.	4-4,5,6	C-1D-1,3,4	
3. Examine the impact of technology on financial planning.	5-1,2,3,4,6	H-1C-15	
4. Identify technology to assist individuals and families with activities at home, in the community, and in the workplace.	7-1,2,4		
	Math N-1		
	D-7		
	Science SE-C-3		
	SI-A-3		

9. Analyze technologies and their effects on managing individual, family, community, and career roles and responsibilities.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine the forms and functions of technologies and their relationship to individual, family, community and work roles and responsibilities.	ELA 1-1,3,4,5	Social Studies C-1A-5	1,2,3,4,5
2. Investigate the validity of claims related to the impact of technology, based on personal, ethical, and technical evaluation criteria.	4-5	C-1B-	
3. Consider the cost of technologies in relation to various roles in terms of labor-saving, safety, health, and well-being criteria.	5-1,2,3,5,6	1,2,3,4,6	
	7-1,2,4	C-1D-1,2,3,4	
	Math N-1	E-1A-2	
	D-7	E-1B-1,2,3	
		E-1C-3	
		H-1C-15	

10. Demonstrate a plan for product development, testing procedures, and demonstration techniques.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Conduct market research to determine consumer trends and product development needs.	ELA 1-1,3,4,5	Social Studies E-1B-3	1,2,3,4,5
2. Design or analyze a consumer product.	3-2	E-1C-2	
3. Compare features, prices, product information, styles, and performance of consumer goods and analyze the trade-offs among the components.	4-1,2,3,4,5,6	H-1C-15	
4. Perform a test on a product, utilizing valid and reliable testing procedures.	5-1,2,3,4,5,6		
5. Apply statistical analysis processes to interpret, summarize, and report data from tests.	7-1,2,4		
6. Analyze the labeling, packaging, and support materials of consumer goods.	Math N-1,2		
7. Demonstrate a product or educate an audience.	M-1 D-1,7		
	Science SI-A-1,2,3,6,7		
	SI-B-4,5		

11. Adapt features of products or services to meet customer needs and resources.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Utilize appropriate sales techniques to compare, demonstrate, assist, and advise consumers in the selection of goods and services that meet consumer needs.	ELA 1-1,3,4,5	Social Studies C-1D-1	1,2,3,4,5
2. Compare features, prices, and product information to prioritize and use consumer goals to maximize satisfaction in product use.	4-1,3,4,6		
	5-1,2,3,5,6		
	7-1,2,4		
	Math N-1,2		
	M-1,3		
	D-1,7		

12. Analyze policies that support consumer rights and foster consumer responsibilities.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine state and federal policies and laws related to consumer protection regarding goods and services purchased.	ELA 1-1,3,4,5	Social Studies C-1A-5,7	1,2,3,4,5
2. Investigate how policies become laws in relation to consumer responsibilities.	2-6	C-1B-1,2,3,4,6	
3. Explore how to seek information related to consumer rights issues.	3-1,2,3	C-1C-2	
	4-2,4,5,6	C-1D-1,3,4	
	5-1,2,3,5,6	E-1A-1,2,4,5,6,7,8	
	7-1,2,4	E-1B-1,2,3,4,5,6	
	Math D-2,7	E-1C-2,3,4	
		H-1A-6	
		H-1C-15	

13. Analyze the impact of consumer rights and responsibilities on business/industry, consumers, and consumer-interest advocates within business/industry, government, and grassroots organizations.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Describe national, state, and local laws and resources related to consumer protection and explain the means by which policy makers motivate change in products, services, and business practices.	ELA 1-1,3,4,5	Social Studies C-1A-1,3,5,7	1,2,3,4,5
2. Explain strategies for consumers to exercise their rights and responsibilities.	2-1,2,3,4,6	C-1D-1,3	
3. Analyze the costs/benefits of consumer protection laws on goods and services.	3-1,2,3	E-1B-3,5	
4. Analyze the impact of consumer fraud on business and the consumer and recommend strategies to reduce the risk of fraud.	4-1,2,3,4,5,6	E-1C-4	
5. Explain the consumer perspective on issues through a variety of media.	5-1,2,3,5,6	H-1A-6	
	7-1,2,4	H-1C-15	
	Math N-1,2		
	M-1,4		

14. Analyze company policies, procedures, and product knowledge to develop solutions to customer problems.

Benchmarks	Academic Cross-References		Louisiana
1. Analyze customer needs and wants.	ELA	Social Studies	1,2,3,4,5
2. Identify strategies and alternatives available to resolve customer problems considering company policies and procedures.	1-1,3,4 4-2,4,6	C-1B-6 C-1D-1,2,3,4	
3. Apply product knowledge to suggest use, care, or services to meet customer satisfaction.	5-2,3,6 7-1,2,4		
4. Examine consumer groups and company departments affected by customer relations decisions.	Math D-1		

15. Demonstrate, by using terms and phrases common to consumer affairs, those appropriate educational or promotional materials that inform, persuade, and/or educate consumers about consumer issues.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Conduct investigative research concerning consumer issues (including the Internet).	ELA	Social Studies	1,2,3,4,5
2. Prepare and present educational, advertising, or public relations materials (such as videos, press kits, public service announcements, fact sheets, etc.) for consumer use.	1-1,3,4,5 2-1,2,3,4,5,6 3-1,2,3 4-1,2,3,4,5,6	C-1A-1,5 C-1B-6 C-1D-1,2,3,4 E-1A-8	
3. Evaluate the effect of educational or promotional materials on consumer behavior.	5-1,2,3,4,5,6 7-1,2,4	E-1B-1,2,3,4,5,6 E-1C-2,3	
4. Evaluate sources of information that aid the consumer in selection or use of products and services.	Math N-2,5	H-1A-6 H-1C-15	
5. Utilize appropriate communications technology in delivering and receiving educational and promotional messages.	D-1,6,7		

16. Demonstrate professional behaviors, skills, and knowledge in community services.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Follow rules, regulations, and work-site policies that affect employer, employee, participant, and family rights and responsibilities.	ELA	Social Studies	1,2,3,4,5
2. Demonstrate professional, collaborative relationships with colleagues, support teams, participants, and families.	1-1,3,4,5 4-1,2,4,6	C-1D-1,3,4 H-1C-15	
3. Demonstrate cooperative working relationships across age, gender, and diverse groups.	5-1,2,3 7-1,2,4		
4. Demonstrate ability to work independently, share responsibilities, accept supervision, and assume leadership roles.			
5. Apply critical and creative thinking, reasoning, and problem-solving skills in community services.			
6. Collect, compile, evaluate, and maintain accurate and confidential documentation to be submitted in a timely manner to appropriate sources.			
7. Analyze the strengths, needs, preferences, and interests of participants through observation of formal and informal assessment practices.			
8. Identify important sources of support and resources for participants.			
9. Investigate appropriate technology in community services.			

17. Demonstrate effective communication skills.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication.	ELA	Social Studies	1,2,3,4,5
2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership.	1-1,3,4 2-1,2,6 3-1,2,3	G-1B-1,2,3,4 G-1D-1,2,3,4 H-1A-6	
3. Use accepted consumer affairs terminology and technical information.	4-1,2,3,4,5,6 5-1,2,3,6	E-1B-2	
4. Practice client and interpersonal relations skills.	7-1,2,4		
5. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity.	Math		
6. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.	N-5		
7. Exercise professional ethics in all matters related to the workplace.			

18. Evaluate career paths within consumer affairs occupations.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Assess the importance of consumer affairs occupations in the United States and the world. 2. Research the roles and functions of individuals engaged in careers in consumer affairs occupations. 3. Assess employment opportunities and preparation requirements. 4. Review education and training requirements for different levels of employment. 5. Assess the impact of consumer affairs occupations on the local, state, national, and global economies. 6. Research entrepreneurial opportunities related to these careers. 7. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.	ELA 1-3,4,5 2-6 3-1,2,3 4-1 5-1,2,3,6 7-1,2,4 Math N-1,2 A-3 M-1 D-1,7	Social Studies G-1B-1,4 G-1C-2,3,4,6 G-1D-5 C-1D-1 E-1A-3 E-1C-3 H-1C-15	1,2,3,4,5

C. Available Courses

1. Family and Consumer Sciences I
2. Family and Consumer Sciences II
3. Adult Responsibilities
4. Family Economics
5. Family and Consumer Sciences Cooperative Education
6. Family Life Education

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§511. Strand: Nutrition and Foods**

A. Focus

1. Evaluate nutritional and wellness practices to promote individual and family well-being across the life span.
2. Develop career competencies in all aspects of food production and service, food science, dietetics, and nutrition that promote health and wellness of individuals and families.

B. Standards

1. Analyze the internal and external factors that influence nutritional practices and wellness across the life span.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine the psychological, cultural, and social influences related to food choices. 2. Explore the societal, governmental, socio-economic, and technological influences related to food choices and practices. 3. Examine the impact of food choices on the global community.	ELA 1-1,3,4,5 4-4,5,6 5-1,2,3,6 7-1,2,4 Math N-5 A-1,3 M-2,3,4 D-1,5 Science LS-G3,5 ESS-A2 SE-A3,11 SE-B-1,5 SE-C-2 SE-D-1,4	Social Studies G-1B-1,2,4 G-1C-2,4,6 G-1D-3,4 C-1A-1,7 C-1B-3 C-1C-3 E-1A-1,2,4,6 E-1B-1,2,3,4,5,6 E-1C-3 H-1A-6 H-1B-6,7,9,16,17 H-1C-1,4,5,6,7,8,9,10,11,15	1,2,3,4,5

2. Evaluate the nutritional content of food in relation to health and wellness needs of individuals and families.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Analyze the effect of nutrients on health, appearance, job performance, and personal/family life.	ELA 1-1,3,4,5	Social Studies G-1C-2,3	1,2,3,4,5
2. Examine the relationship of nutrition and wellness to individual and family health, including the extended family from the very young to the elderly.	4-4,5	G-1D-3,4	
3. Judge the impact of food addictions and eating disorders on wellness.	5-1,2,3,6	C-1B-3,4	
4. Evaluate sources of food and nutrition information that contribute to wellness.	7-1,2,4	C-1C-2	
5. Interpret information regarding nutrition to promote health and wellness.	Math N-2	C-1D-3 E-1A-1,2	
	A-1,3	E-1B-1,2	
	M-1	H-1C-15	
	D-1,5		
	P-2		
	Science LS-G1		

3. Evaluate and apply nutrition information.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Assess and use basic nutrition principles, food plans, preparation techniques, and specialized dietary plans. (1) (2)	ELA 1-1,3,4,5	Social Studies G-1B-4	1,2,3,4,5
2. Determine nutrient requirements across the life span addressing the diversity of people, culture, and religions. (1) (2) (4)	2-6	G-1C-3,4,6	
3. Appraise and interpret nutritional data from food. (1)	3-1,2,3	G-1D-1,4	
4. Assess principles to maximize nutrient retention in prepared foods. (2) (4) (5)	4-1,2,3,4,6	C-1C-1	
5. Assess the influence of socioeconomic and psychological factors on food and nutrition behavior. (2)	5-1,2,3,6	C-1D-3	
6. Choose menus based on nutrient needs.	7-1,2,4	E-1A-1,2,4,5	
7. Monitor recipe/formula proportions and modifications for food production. (2)	Math N-1,2,4	E-1B-1,2,4,5,6	
8. Critique the selection of foods to promote a healthy lifestyle.	M-1,4		
9. Categorize foods into exchange groups and plan appropriate menus based on the nutritional needs. (4)	D-1,2,6,7		
10. Instruct individuals on nutrition for health maintenance and disease prevention.	Science LS-G5		

4. Demonstrate planning, selecting, storing, preparing, and serving of foods to meet needs of individuals and families across the life span.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Apply various dietary guidelines in developing food plans to meet nutrition and wellness needs.	ELA 1-1,3,4,5	Social Studies G-1B-1,4	1,2,3,4,5
2. Select nutritious foods for a variety of situations.	4-2,4,6	G-1C-1,2,3,6	
3. Select appropriate food preparation methods, based on available resources, to meet nutritional and health needs.	5-2,3,6	G-1D-1,2,3,4	
4. Construct alternative ways to meet health and special nutritional needs considering available resources.	7-1,2,4	C-1B-3	
5. Select, store, prepare, and serve nutritious and aesthetically pleasing foods that meet health and wellness needs of family members.	Math N-1,2,3,4	C-1C-2,3 C-1D-3	
6. Implement a life plan that promotes wellness.	A-3	E-1A-1,2,5	
7. Demonstrate proper table setting, service, and table manners.	M-1,2	E-1B-1,2,5	
	D-1,2,7,8	E-1C-3	
	Science SI-A-2,3,4	H-1A-6	
	LS -G-2,4	H-1B-6,18	
	PS-D-6	H-1C-5,6,7,8,9,11	
	PS-G-1	H-1C-15	



5. Analyze food-borne illness as a health issue for individuals and families.

Benchmarks	Academic Cross-References		Louisiana
1. Investigate the causes and prevention for food borne disease and illness. 2. Examine the role of families in teaching personal hygiene and sanitation practices to family members. 3. Determine which individuals are most at-risk for developing food-borne illness. 4. Determine the symptoms of food-borne illness and describe the health implications. 5. Consider when and where to report food borne illness.	ELA 1-1,3,4,5 2-6 4-2,4,6 5-1,2,3,6 7-1,2,4 Math N-1,2,5 A-1 M-1,3 D-1,2,7 Science LS-G-2,3,4,5	Social Studies H-1C-15	1,3,4,5

6. Evaluate the factors affecting food safety from production through marketing.

Benchmarks	Academic Cross-References		Louisiana
1. Appraise safety and sanitation practices throughout the food chain that contribute to food contamination with organisms that can lead to illness. 2. Determine contamination risks of perishable and non-perishable foods. 3. Assess changes in national and international food production and distribution systems and explain how these changes impact food supplies available in retail establishments. 4. Assess conditions that create a safe working environment for food production. 5. Research the national, state, and local inspection systems that are in place to protect the health of individuals and the public.	ELA 1-1,3,4,5 4-2 5-1,2,3,6 7-1,2,4 Math N-1,2 A-1,3 M-1 D-1,2,3 P-2 Science PS-D1 LS-G2,4,5	Social Studies G-1C-1,2,6 G-1D-3,4 C-1A-6 C-1B-3 C-1C-2 C-1D-3 E-1A- 1,2,4,5,6 E-1B- 1,2,3,4,5,6 H-1A-6 H-1B-15,18 H-1C-11,15	1,2,3,4,5

7. Demonstrate food safety and sanitation procedures.

Benchmarks	Academic Cross-References		Louisiana
1. Examine pathogens found in food and determine how time, temperature, pH, and moisture affect their growth, causing illness. (5) 2. Practice food service management safety/sanitation procedures. (3) 3. Design a system for documenting, investigating, and reporting incidents of a food borne illness. (3,5) 4. Apply safe shopping, storing, preparing, and serving principles during food handling to reduce the risk of food borne illness. (4) 5. Practice good personal hygiene/health procedures and report symptoms of illness. (4) (5) 6. Demonstrate proper receiving and storage of both raw and prepared foods. (4) 7. Demonstrate food handling and preparation techniques that prevent cross contamination between raw and ready-to-eat foods and between animal or fish sources and other food products. (5) 8. Examine current types and proper uses of cleaning materials and sanitizers. (4) 9. Apply OSHA's Right to Know Law and Material Safety Data Sheets and explain their requirements in handling hazardous materials. (4) 10. Apply waste disposal and recycling methods. (4) 11. Demonstrate ability to maintain necessary records to document time and temperature control, employee health, maintenance of equipment, and other elements of food preparation, storage, and presentation. (5)	ELA 1-1,3,4,5 2-1,2,6 3-1,2,3 4-1,2,3,4 5-6 7-1,2,4 Math N-1,2,3 A-1 M-1 D-1,7 Science LS-G2,4,5 SE-B2	Social Studies C-1A-1,5,6 C-1B-4,6 C-1C-1,2 C-1D-3 E-1B-2,5,6 H-1C-15	1,2,3,4,5

8. Analyze information on product labels that have food safety implications for individuals and families.

Benchmarks	Academic Cross-References		Louisiana
1. Examine the labeling requirements mandated by federal, state, or local authorities for product packaging. 2. Examine the manufacturer's product descriptors and use-by/sell-by dates.	ELA 1-1,3,4,5 5-2,6 7-1,2,4 Math N-1,2 M-1,2,3 D-1,6,7 Science LS-G2,4,5	Social Studies C-1A-6 C-1B-3 C-1D-1,3 E-1B-5,6 E-1C-4 H-1A-6 H-1C-15	1,2,3,4,5

9. Evaluate the impact of science and technology on food composition and safety, nutrition, and wellness of individuals and families.

Benchmarks	Academic Cross-References		Louisiana
1. Assess current technology to locate food and nutrition information. 2. Determine how scientific and technical advancements have impacted the nutrient content, availability, and safety of foods. 3. Assess the impact of scientific and technical advancements in food processing, product development, and storage on the nutrition and wellness of individuals and families. 4. Review current technology in the selection, preparation, and home storage of food. 5. Critique nutrition assessment data using current technology. 6. Assess the effects of food science and technology in meeting nutritional needs.	ELA 1-1,3,4,5 4-5 5-1,2,3,5,6 7-1,2,4 Math N-1,2 M-1,2,4 D-1,6,7 Science SI-A3 PS-C4 PS-D1,2		1,2,3,4,5

10. Contribute to the public dialogue about food safety and sanitation.

Benchmarks	Academic Cross-References		Louisiana
1. Interpret for others food safety and sanitation needs as related to the wellness of individuals and families. 2. Examine the need for food safety and sanitation processes and procedures that result in the wellness of individuals and families. 3. Illustrate how individuals can impact food safety and sanitation related to food eaten outside the home.	ELA 1-1,3,4,5 2-1,2,3 3-1,2,3 4-1,2,3,4,6 5-6 7-1,2,4 Math N-2 M-1 D-1,7 Science LS-G2,4,5	Social Studies C-1A-1,5,6 C-1B-6 C-1D-1,3	1,2,3,4,5

11. Demonstrate knowledge of risk-management procedures as applied to food safety, food testing, and sanitation.

\*FHA/HERO Related \*

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate knowledge of factors that contribute to food borne illness. (5) 2. Demonstrate knowledge of food service management safety/sanitation programs. (3) 3. Use knowledge of the system for documenting and investigating reports of a food borne illness. (3) 4. Utilize the Hazard Analysis Critical Control Point (HACCP) during all food handling processes as a method for minimizing the risk of food borne illness. (4) 5. Practice good personal hygiene/health procedures when handling food. 6. Develop procedures for receiving and storage of raw and prepared foods. (4) 7. Describe current types of cleaning materials and sanitizers and their proper use. (4) 8. Apply OSHA's Right to Know Law and Material Safety Data Sheets (MSDS) and explain their requirements in handling hazardous materials. (4) 9. Carry out waste disposal and recycling methods. (4)	ELA 1-1,3,4,5 2-1,2,6 3-1,2,3 4-1,2,3,4 5-6 7-1,2,4 Math N-1,2,3 A-1 M-1 D-1,7 Science LS-G2 SE-B1,2,4 SE-D1,2	Social Studies H-1C-15	1,2,3,4,5

12. Utilize current technology in food product development.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Utilize various factors that affect food preferences in the marketing of food. 2. Utilize data in statistical analysis. 3. Prepare food for presentation and evaluation. 4. Maintain test kitchen/laboratory and related equipment and supplies. 5. Implement procedures that affect quality product performance. 6. Conduct sensory evaluations of food products. 7. Utilize technology for testing safety of food products.	ELA 1-1 4-2 5-6 7-1,2,4 Math N-1,2,5,6 A-1 M-1,4 D-1,7 Science SI-A3,4,7		1,2,3,4,5

13. Demonstrate selecting, using, and maintaining food production equipment.

Benchmarks	Academic Cross-References		Louisiana
1. Operate tools and equipment following safety procedures and OSHA requirements. (1) (3) (4) 2. Maintain tools and equipment following safety procedures and OSHA requirements. (1, 3, 4) 3. Verify the selection and use of equipment. 4. Demonstrate procedures for cleaning and sanitizing equipment. (3) 5. Examine efficiency of equipment purchases based on long-term business needs and specific regulations and codes related to foods. (3) (5) 6. Demonstrate procedures for storage of equipment and tools.	ELA 1-1,5 4-1,2,3,4,6 5-2,6 7-1,2,4 Math N-6 Science SI-A7 LS-G2	Social Studies C-1A-1,5 C-1B-6 C-1D-3	1,2,3,4,5

14. Demonstrate planning menu items based on standardized recipes to meet customer needs.

Benchmarks	Academic Cross-References		Louisiana
1. Use computer-based menu systems. (3) 2. Apply menu planning principles to develop and modify menus. (3) (4) 3. Examine food and equipment needed for menus. 4. Design a menu layout. (3) 5. Prepare requisitions for production requirements. (4) 6. Evaluate performance of menu items. (3)	ELA 1-1,3,4,5 2-2,3,4,6 3-1,2,3 4-2 5-1,2,3,4,6 7-1,2,4 Math N-1,5 D-1 Science SI-A3		1,2,3,4

15. Demonstrate preparing all categories of menu items utilizing commercial materials to produce a variety of food products.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Apply principles of food preparation to a variety of food products. (4) 2. Demonstrate skills in knife, tool, and equipment handling. (4) 3. Demonstrate a variety of cooking methods including roasting, baking, broiling, smoking, grilling, sautéing, frying, deep frying, braising, stewing, poaching, steaming, stir-frying, convection, microwaving, and emerging technological methods. (4) 4. Utilize weights and measures to demonstrate proper scaling and measurement techniques. 5. Apply use of herbs, spices, oils, and vinegars. (4) 6. Prepare various meats, seafood, and poultry. (4) 7. Prepare various stocks, soups, and sauces. (4) 8. Prepare various fruits, vegetables, and starches. (4) 9. Prepare various salads, dressings, and marinades. (4) 10. Prepare sandwiches, canapés, appetizers, and beverages. (4) 11. Prepare breakfast meats, eggs, cereals, and batter products. (4) 12. Apply the fundamentals of baking science to the preparation of a variety of products. (4) 13. Apply the fundamentals of time and temperature to cooking, cooling, and reheating of a variety of foods. (4) 14. Demonstrate food presentation techniques. (4) 15. Calculate the cost of using convenience food items. (4)	ELA 1-1,3,4,5 4-2,4,6 5-6 7-1,2,4 Math N-1,2,3,4 M-1,2,4 D-1,7	Social Studies G-1B-1,2,3,4 H-1C-15	1,2,3,4,5

16. Demonstrate food science, dietetics, and nutrition management functions.

Benchmarks	Academic Cross-References		Louisiana
1. Build menus incorporating customer/client's nutritional needs. (1) 2. Monitor food preparation, production, and testing systems. (1, 2) 3. Verify standards for food quality. (1) 4. Create standardized recipes. (1) 5. Project amounts of food needed. (1) 6. Examine new products. (1) 7. Implement procedures that provide cost-effective products. (1) 8. Establish par levels for the purchase of supplies based on an organization's needs. 9. Utilize Food Code Points of time, temperature, date markings, cross contamination, hand washing, and personal hygiene as criteria for safe food preparation. (5)	ELA 1-1 2-6 3-1,2,3 4-2,4,6 5-2,3,4,6 7-1,2,4 Math N-1,2,3,4,5,6 A-1 M-1,2,4 D-1,7 Science SI-A2,3,4 LS-G2	Social Studies C-1A-1,5 C-1B-6 C-1D-3	1,2,3,4,5

17. Demonstrate implementation of food service management functions.

Benchmarks	Academic Cross-References		Louisiana
1. Apply principles of purchasing and receiving in food service operations. (4) 2. Apply the procedures involved in staff planning, recruiting, interviewing, and selection of employees. 3. Design staff schedules. 4. Conduct staff orientation, regular training and education, and on-the-job training/retraining. 5. Examine human resource policies including rules, regulations, and laws involving hiring, compensation, and overtime. 6. Examine the areas of legal liability within the food service industry. 7. Practice inventory procedures including first in/first out concept, date markings, and specific record keeping. (5) 8. Apply accounting principles in planning and forecasting profit and loss. 9. Implement a marketing plan. 10. Design internal/external disaster plans.	ELA 1-1,3,4,5 2-1,2,6 3-1,2,3 4-1,2,3,4,6 5-1,2,3,4,5,6 7-1,2,4 Math N-1,5 A-2 D-1	Social Studies C-1A-1,4,5 C-1B-6 C-1C-2,3 C-1D-3 E-1A- 1,2,4,5,6 E-1B-2,5,6 H-1C-15	1,2,3,4,5

18. Demonstrate quality customer service used in food production industries.

Benchmarks	Academic Cross-References		Louisiana
1. Examine the role of service as a strategic component of performance.	ELA	Social Studies	1,2,3,4,5
2. Demonstrate quality services which exceed the expectations of customers. (2) (4)	1-1	C-1A-1,5	
3. Examine the relationship between employees and customer satisfaction.	2-2,3,4,6	C-1B-5,6	
4. Apply strategies for resolving complaints.	3-1,2,3	C-1D-1,3,4	
5. Demonstrate sensitivity to diversity and individuals with special needs.	4-1,2,3,4,6	E-1A-3	
	5-6		
	7-1,2,4		

19. Demonstrate effective communication skills.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate written, verbal, and non-verbal communication.	ELA	Social Studies	1,2,3,4,5
2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership.	1-1,3,4	C-1D-1,2,3,4	
3. Use accepted food science, food service, dietetics, and nutrition industry terminology and technical information.	2-1,2,6	E-1B-2	
4. Practice grooming and dress requirements in the food industry.	3-1,2,3	H-1A-1,6	
5. Practice client and interpersonal relations skills.	4-1,2,3,4,5,6	G-1B-1,2,3,4	
6. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity.	5-1,2,3,6	G-1C-6	
7. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.	7-1,2,4		
8. Exercise professional ethics in all matters related to the workplace.	Math		
	N-5		
	Science		
	SI-A3		

20. Evaluate career paths within the food production, food science, dietetics, and nutrition industries.

\*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Research the roles and functions of individuals engaged in food service management, food production, food science, dietetics, public health, and nutrition education careers.	ELA	Social Studies	1,2,3,4,5
2. Assess employment opportunities and preparation requirements.	1-3,4,5	E-1A-1,2,3,6	
3. Review education and training requirements for different levels of employment.	2-6	E-1B-1,2,3,4,5,6	
4. Assess the impact of the food production, food service, food science, dietetics, and nutrition industries on the local, state, national, and global economies.	3-1,2,3	E-1C-3	
5. Research entrepreneurial opportunities related to these careers.	4-1	H-1C-15	
6. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.	5-1,2,3,6		
	7-1,2,4		
	Math		
	N-1,2		
	A-3		
	M-1		
	D-1,7		
	Science		
	SE-B4,5		

References: Some materials were reviewed by professionals or abstracted from sets of standards from the following organizations. These numbers follow the benchmarks to which they apply.

- (1) Dietary Managers Association
- (2) American Dietetics Association
- (3) National Restaurant Association
- (4) American Culinary Federation
- (5) United States Food and Drug Administration, Center for Food Safety and Applied Nutrition

C. Available Courses

- 1. Family and Consumer Sciences I
- 2. Family and Consumer Sciences II
- 3. Food Science
- 4. Nutrition and Food
- 5. Advanced Nutrition and Food
- 6. Food Services I
- 7. Food Services II

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§513. Academic Cross-Reference Codes**

A.1. Cross-references to academic content standards reinforce the integration of academic and Family and Consumer Sciences skills. English Language Arts, Mathematics, Science, and Social Studies academic standards are cross-referenced in the second and third column beside each Family and Consumer Sciences standard. The academic standards are listed in full in the Appendices. The framework also references the five Louisiana Foundation Skills developed by the Louisiana Content Standards Task Force; these skills, which apply to all students in all disciplines, are:

- a. communication;
- b. problem solving;
- c. resource access and utilization;

- d. linking and generating knowledge; and
- e. citizenship.

2. Codes used in the framework to identify the academic standards are given below, as well as a sample page from the framework.

B. ELA (English Language Arts). Standard number is given; then benchmark number

C. Mathematics. Strand letter is given; then benchmark number

- N Number and Number Relations Strand
- A Algebra Strand
- M Measurement Strand
- G Geometry Strand
- D Data, Discrete Math, and Probability Strand

F. Example:

Standard Seven: Demonstrate design ideas through visual presentation.

\*FHA/HERO Related

P Patterns, Relations, and Functions Strand  
 D. Science. Strand letter is given; then benchmark letter and number

- SI Science As Inquiry Strand
- PS Physical Science Strand
- LS Life Science Strand
- SE Science and the Environment Strand

E. Social Studies. Strand letter is given; then benchmark letter and number

- G Geography Strand
- C Civics Strand
- E Economics Strand
- H History Strand

Benchmarks	Academic Cross-References	Louisiana
1. Use appropriate media to prepare visual presentation of design ideas.	ELA 3-1,3 5-1,2,3,4,6 Math D-1,2,3,4,6,7,8,9 P-1,4,5 Science SI-A-3	Social Studies H-1C-15 1,2,3,4,5

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§515. Referenced Academic Content Standards**

A. The following is a list of the content standards and benchmarks that have been referenced in this document. All referenced content area standards and benchmarks are for students in grades 9-12.

B. English Language Arts (ELA)

Standard One: Students read, comprehend, and respond to a variety of materials for a variety of purposes.

- 1C Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies.
- 2C Analyzing the effects of complex literary devices and complex elements on a selection.
- 3C Reading, responding to, and critiquing written, spoken, and visual texts.
- 4C Interpreting texts to generate connections to real-life situations.
- 5C Applying reading strategies to achieve a variety of objectives.

Standard Two: Students write competently for a variety of purposes and audiences.

- 1C Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order.
- 2C Focusing on information, concepts, and ideas that show an awareness of an intended audience and/or purpose.
- 3C Applying the steps of the writing process, emphasizing revising and editing in final drafts.
- 4C Using narration, description, exposition, and persuasion to develop various modes of writing.
- 5C Recognizing and applying literary devices and various stylistic elements.

6C Responding to text and life experiences as a basis for writing.

Standard Three: Students communicate using conventional grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

- 1C Writing legibly.
- 2C Demonstrating a command of the grammatical and mechanical conventions of standard English.
- 3C Spelling and pronouncing correctly using resources

Standard Four: Students demonstrate competence in speaking and listening as tools for learning and communicating.

- 1C Speaking intelligibly.
- 2C Giving and following directions/procedures.
- 3C Demonstrating a command of the features of speaking when giving prepared and extemporaneous presentations.
- 4C Speaking and listening for a variety of audiences and purposes.
- 5C Listening and responding to a wide variety of media.
- 6C Participating in a variety of roles in group discussions.

Standard Five: Students locate, select, and make use of information from a variety of texts, media, references, and technological sources.

- 1C Recognizing and using organizational features of printed text, other media, and electronic information.
- 2C Locating and evaluating information sources.
- 3C Accessing information and conducting research using outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
- 4C Using available technology to produce, revise, and publish a variety of works.
- 5C Citing references using various formats.
- 6C Interpreting charts/graphs, tables/schedules, diagrams/maps, and organizational charts/flowcharts

Standard Six: Students read, analyze, and respond to literature as a record of life experiences.

1.C Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups.

2.C Analyzing distinctive elements of ancient, American, British, and world literature.

3.C Identifying, analyzing, and responding to a variety of classic and contemporary literature from many genres.

4.C Analyzing various genres as records of life experiences.

Standard Seven: Students apply reasoning skills to their reading, writing, speaking, listening, viewing, and visually representing.

1.C Using comprehension strategies in all contexts.

2.C Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information.

3.C Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view.

4.C Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations.

### C. Mathematics

Number and Number Relations Strand (N): In problem-solving investigations, use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers to help develop an intuitive understanding of the real number system and communicate the relationships within that system.

N.1.C Demonstrating an understanding of number systems.

N.2.C Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation.

N.3.C Using number sense to estimate and determine reasonableness of solutions.

N.4.C Determining whether an exact or approximate answer is necessary.

N.5.C Selecting and using appropriate computational methods for given situations.

N.6.C Applying ratios and proportional thinking in a variety of situations.

N.7.C Justifying reasonableness of solutions and verifying results.

Algebra Strand (A): In problem-solving investigations, use appropriate manipulatives, models, graphs, tables, and technology to develop the understanding of concepts and to explore the applications of algebra.

A.1.C Demonstrating the ability to translate real world situations into algebraic expressions, equations, and inequalities.

A.2.C Recognizing the relationship between operations involving real numbers and operations involving algebraic expression.

A.3.C Using tables and graphs as tools to interpret algebraic expressions, equations and inequalities.

A.4.C Solving algebraic equations and inequalities using appropriate techniques.

Measurement Strand (NI): In problem-solving investigations, use appropriate manipulatives and available technology to develop the understanding of

the concepts, processes, and real-life applications of measurement.

M.1.C Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error (or tolerance) of measurements.

M.2.C Demonstrating an intuitive sense of measurement.

M.3.C Estimating, computing, and applying physical measurement using suitable units.

M.4.C Demonstrating the concept of measurement as it applies to real-world experiences.

Geometry Strand (G): In problem-solving investigations, use appropriate models, drawings, manipulatives, and technology to understand concepts and explore real-world applications of one-, two-, and three-dimensional geometry, and justify solutions.

G.1.C Identifying, describing and comparing to explore and make conjectures about geometric concepts and figures.

G.2.C Representing and solving problems using geometric models and the properties of those models.

G.3.C Solving problems using coordinate methods, as well as synthetic and transformational methods.

G.4.C Using inductive reasoning to predict, discover, and apply geometric properties and relationships.

G.5.C Classifying figures in terms of congruence, similarity, and applying these relationships.

G.6.C Demonstrating deductive reasoning and justification.

Data, Discrete Math, and Probability (D): In problem-solving investigations, use appropriate collecting and organizational techniques, manipulatives, and technology in order to discover trends, to formulate conjectures regarding cause-and-effect relationships, and to develop critical-thinking skills that enable the student to make informed decisions.

D.1.C Designing and conducting statistical experiments that involve collecting and representing data in various forms.

D.2.C Recognizing data that relates two variables as linear, exponential, or otherwise in nature.

D.3.C Using simulations to estimate probability.

D.4.C Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures.

D.5.C Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple event probabilities.

D.6.C Demonstrating the concept of distributions and recognizing normal and non-normal distributions.

D.7.C Making inferences from data that are organized in charts, tables, and graphs.

D.8.C Demonstrating logical thinking procedures such as flow charts and truth tables.

D.9.C Using discrete math to model real-life situations.

Patterns, Relations, and Functions (P): In problem-solving investigations, use appropriate number sense, manipulatives, drawings, tables, graphs, symbolic formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions.

P.1.C Modeling the concepts of variables, functions, and relations as they occur in the real world and using the basic notations and terminology.

P.2 **C** Translating between tabular, symbolic, and graphical representations of functions.

P.3 **C** Recognizing behavior of elementary functions and using graphing technologies to represent them.

P.4 **C** Analyzing the changes in the graphs of functions caused by changing the coefficients and constants of arbitrary functions using technology whenever appropriate.

P.5 **C** Analyzing real-world relationships that can be modeled locally or globally by elementary functions.

#### D. Science

Science As Inquiry Strand (SI): Students do science by engaging in partial and full inquiries that are within their developmental capabilities.

Benchmark A: The Abilities Necessary to do Scientific Inquiry

1 **C** Identifying questions and concepts that guide scientific investigations.

2 **C** Designing and conducting scientific investigations.

3 **C** Using technology to improve investigations and communications.

4 **C** Formulating and revising scientific explanations and models using logic and evidence.

5 **C** Recognizing and analyzing alternative explanations and models.

6 **C** Communicating and defending a scientific argument.

7 **C** Utilizing science safety procedures during scientific investigations.

Benchmark B: Understanding Scientific Inquiry

1 **C** Understanding that scientists usually base their investigations on existing questions or causal/functional questions.

2 **C** Understanding that scientists conduct investigations for a variety of reasons, such as exploration of new areas, discovery of new aspects of the natural world, confirmation of prior investigations, prediction of current theories, and comparison of models and theories.

3 **C** Understanding that scientists rely on technology to enhance the gathering and manipulation of data.

4 **C** Understanding that scientists must adhere to criteria such as: A proposed explanation must have a logical structure, abide by the rules of evidence, be open to questions and modifications, be based on historical and current scientific knowledge, and be adequately reported to enhance further investigations.

5 **C** Understanding that results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists.

Physical Science Strand (PS): Students develop an understanding of the characteristics and interrelationships of matter and energy in the physical world

Benchmark A: Measurement and Symbolic Representation

1 **C** Manipulating and analyzing quantitative data using the SI system.

2 **C** Understanding the language of chemistry (formulas, equations, symbols) and its relationship to molecules, atoms, ions, and subatomic particles.

Benchmark B: Atomic Structure

1 **C** Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes).

2 **C** Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay).

3 **C** Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom.

Benchmark C: The Structure and Properties of Matter

1 **C** Distinguishing among elements, compounds, and/or mixtures.

2 **C** Discovering the patterns of physical and chemical properties found on the periodic table of the elements.

3 **C** Understanding that physical properties of substances reflect the nature of interactions among its particles.

4 **C** Separating mixtures based upon the physical properties of their components.

5 **C** Understanding that chemical bonds are formed between atoms when the outermost electrons are transferred or shared to produce ionic and covalent compounds.

6 **C** Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures.

7 **C** Using the kinetic theory to describe the behavior of atoms and molecules during phase changes and to describe the behavior of matter in its different phases.

Benchmark D: Chemical Reactions

1 **C** Observing and describing changes in matter and citing evidence of chemical change.

2 **C** Comparing, contrasting, and measuring the pH of acids and bases using a variety of indicators.

3 **C** Writing balanced equations to represent a variety of chemical reactions (acid/base, oxidation/reduction, etc.).

4 **C** Analyzing the factors that affect the rate and equilibrium of a chemical reaction.

5 **C** Applying the law of conservation of matter to chemical reactions.

6 **C** Comparing and contrasting the energy changes that accompany changes in matter.

7 **C** Identifying important chemical reactions that occur in living systems, the home, industry, and the environment.

Benchmark E: Forces and Motion

1 **C** Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear).

2 **C** Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically.

3 **C** Understanding effects of forces on changes in motion as explained by Newtonian mechanics.

4 **C** Illustrating how frame of reference affects our ability to judge motion.

Benchmark F: Energy

1 **C** Describing and representing relationships among energy, work, power, and efficiency.

2 **C** Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications.

Benchmark G: Interactions of Energy and Matter

1 **C** Giving examples of the transport of energy through wave action.

2 **C** Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce.

3 **C** Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans.



4C Explaining the possible hazards of exposure to various forms and amounts of energy.

#### Benchmark H: Science and Technology

1C Developing an awareness and appreciation for the continuing progress in technology as it affects the quality of individual lives as well as of society in order to become better informed citizens and consumers.

2C Becoming computer literate and proficient as it applies to the computer's capability to acquire data (with sensors), interpret data (by graphing), and as a research tool (library and Internet).

Life Science Strand (LS): Students become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

#### Benchmark A: The Cell

1C Observing cells, identifying organelles, relating structure to function, and differentiating among cell types.

2C Demonstrating a knowledge of cellular transport.

3C Investigating cell differentiation and describing stages of embryological development in representative organisms.

#### Benchmark B: The Molecular Basis of Heredity

1C Explaining the relationship among chromosomes, DNA, genes, RNA, and proteins.

2C Comparing and contrasting mitosis and meiosis.

3C Describing the transmission of traits from parent to offspring and the influence of environmental factors on gene expression.

4C Exploring advances in biotechnology and identifying possible positive and negative effects.

#### Benchmark C: Biological Evolution

1C Exploring experimental evidence that supports the theory of the origin of life.

2C Recognizing the evidence for evolution.

3C Discussing the patterns, mechanisms, and rate of evolution.

4C Classifying organisms.

5C Distinguishing among the kingdoms.

6C Comparing and contrasting life cycles of organisms.

7C Comparing viruses to cells.

#### Benchmark D: Interdependence of Organisms

1C Illustrating the biogeochemical cycles and explaining their importance.

2C Describing trophic levels and energy flows.

3C Investigating population dynamics.

4C Exploring how humans have impacted ecosystems and the need for societies to plan for the future.

#### Benchmark E: Matter, Energy, and Organization of Living Systems

1C Comparing and contrasting photosynthesis and cellular respiration, emphasizing their relationships.

2C Recognizing the importance of the ATP cycle in energy usage within the cell.

3C Differentiating among levels of biological organization.

#### Benchmark F: Systems and the Behavior of Organisms

1C Identifying the structure and functions of organ systems.

2C Identifying mechanisms involved in homeostasis.

3C Recognizing that behavior is the response of an organism to internal changes and/or external stimuli.

4C Recognizing that behavior patterns have adaptive value.

#### Benchmark G: Personal and Community Health

1C Relating fitness and health to longevity.

2C Contrasting how organisms cause disease.

3C Explaining the role of the immune system in fighting disease.

4C Exploring current research on the major diseases with regard to cause, symptoms, treatment, prevention, and cure.

5C Researching technology used in prevention, diagnosis, and treatment of diseases/disorders.

#### Earth and Space Science (ESS)

##### Benchmark A: Energy in the Earth System

1C Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems.

2C Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature.

3C Explaining fission and fusion in relation to the Earth's internal and external heat sources.

4C Explaining how decay of radioactive isotopes and the gravitational energy from the Earth's original formation generates the Earth's internal heat.

5C Demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans.

6C Describing the energy transfer from the sun to the Earth and its atmosphere as it relates to the development of weather and climate patterns.

7C Modeling the transfer of the Earth's internal heat by way of convection currents in the mantle which powers the movement of the lithospheric plates.

##### Benchmark B: Geochemical Cycles

1C Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms.

2C Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements.

##### Benchmark C: The Origin and Evolution of the Earth System

1C Explaining the formation of the solar system from a nebular cloud of dust and gas.

2C Estimating the age of the Earth by using dating techniques.

3C Communicating the geologic development of Louisiana.

4C Examining fossil evidence as it relates to the evolution of life and the resulting changes in the amount of oxygen in the atmosphere.

5C Explaining that natural processes and changes in the Earth system may take place in a matter of seconds or develop over billions of years.

##### Benchmark D: The Origin and Evolution of the Universe

1C Identifying scientific evidence that supports the latest theory of the age and origin of the universe.

2C Describing the organization of the known universe.

3C Comparing and contrasting the sun with other stars.

4C Identifying the elements found in the sun and other stars by investigating the spectra.

5C Describing the role of hydrogen in the formation of all the natural elements.

6C Demonstrating the laws of motion for orbiting bodies.

7C Describe the impact of technology on the study of the Earth, the solar system, and the universe.

Science and the Environment Strand (SE): In learning environmental science, students develop an appreciation of the natural environment, learn the value of environmental quality, and acquire a sense of stewardship through involvement in community action. As consumers and citizens, they are able to recognize how personal, professional, and political actions affect the natural world.

#### Benchmark A: Ecological Systems and Interactions

1C Demonstrating an understanding of the functions of Earth's major ecological systems.

2C Demonstrating an understanding of the functions and values of Earth's major ecological systems.

3C Describing how habitat, carrying capacity, and limiting factors influence plant and animal populations (including humans).

4C Understanding that change is a fundamental characteristic of every ecosystem and that ecosystems have varying capacities for change and recovery.

5C Describing the dynamic interactions between divisions of the biosphere.

6C Describing and explaining the Earth's biochemical and geochemical cycles and their relationship to ecosystem stability.

7C Comparing and contrasting the dynamic interaction with the biosphere.

8C Analyzing evidence that plant and animal species have evolved physical, biochemical, and/or behavioral adaptations to their environments.

9C Demonstrating an understanding of influencing factors of biodiversity.

10 Explaining that all species represent a vital link in a complex web of interaction.

11 Understanding how pollutants can affect living systems.

#### Benchmark B: Resources and Resource Management

1C Comparing and contrasting the various types of renewable and nonrenewable resources and explaining the relationships between these resources and populations.

2C Explaining how natural resources affect humans and how humans affect natural resources.

3C Recognizing that people of the world consume disproportionate amounts of the Earth's resources, a factor of both population size and inequitable geographic or economic distribution of resources.

4C Demonstrating an understanding that resource management issues and environmental problems may arise when resource use is motivated by short-term goals instead of long-term consequences.

5C Comparing the benefits and the costs of various resource management methods.

6C Analyzing how management of resources requires that they be viewed from a global, as well as a local, perspective.

7C Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's future as well as present needs.

#### Benchmark C: Environmental Awareness and Protection

1C Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment.

2C Evaluating the relationships between quality of life and environmental quality.

3C Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations.

4C Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors.

5C Analyzing how public support affects the creation and enforcement of environmental laws and regulations.

#### Benchmark D: Personal Choices and Responsible Actions

1C Demonstrating an understanding of the effects of personal choices and actions on the natural environment.

2C Describing how a healthy environment depends upon responsible human actions.

3C Analyzing how people are capable of reducing and reversing their negative impact on the environment through thinking, planning, educating, collaborating, and taking action.

4C Demonstrating that the most important factor in prevention and control of pollution is education and the resulting change in values, attitudes, and behavior patterns.

5C Explaining how responsible environmental decision making involves scientific and sociological research, consideration of value systems, investigation and evaluation of alternative, and long-term global perspectives.

6C Demonstrating a knowledge that environmental issues should be an international concern.

7C Recognizing that philosophies, objectives, and practices of various types of resource management are sometimes incompatible, often necessitating compromises and tradeoffs.

8C Recognizing that the development of accountability toward the environment is essential for the continued health of the planet.

9C Developing an awareness of personal responsibility as stewards of the local and global environment.

#### E. Social Studies

Geography Strand: Physical and Cultural Systems (G): Students develop a spatial understanding of the Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

##### Benchmark A: The World in Spatial Terms

1C Using geographic representations, tools, and technologies to explain, analyze and solve geographic problems.

2C Organizing geographic information and answering complex questions by formulating mental maps of places and regions.

##### Benchmark B: Places and Regions

1C Determining how social, cultural, and economic processes shape the features of places.

2C Analyzing the ways in which physical and human characteristics of places and regions have affected historic events.

3C Analyzing the different ways in which physical and human regions are structured and interconnected.

4C Explaining and evaluating the importance of places and regions to cultural identity.

##### Benchmark C: Physical and Human Systems

1C Analyzing the ways in which Earth's dynamic and interactive physical process affect different regions of the world.

2C Determining the economic, political, and social factors that contribute to human migration and settlement and evaluating their impact on physical and human systems.

3C Analyzing trend in world population numbers, patterns, and predicting their consequences.

4C Analyzing the characteristics, distribution, and interrelationships of the world's cultures.

5C Describing and evaluating spatial distribution of economic systems and how they affect regions.

6C Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth.

#### Benchmark D: Environment and Society

1C Evaluating the ways in which technology has expanded the human capability to modify the physical environment.

2C Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges.

3C Analyzing the relationship between natural resources and the exploration, colonization, and settlement of different regions of the world.

4C Evaluating policies and programs related to the use of natural resources.

5C Developing plans to solve local and regional geographic problems related to contemporary issues.

Civics Strand: Citizenship and Government (C): Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

#### Benchmark A: Structure and Purposes of Government

1C Analyzing the necessity and purposes of politics and government.

2C Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each.

3C Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system.

4C Explaining the organization and functions of local, state, and national governments and evaluating their relationships.

5C Evaluating the role and importance of law in the American political system.

6C Examining the major responsibilities of the national government for domestic and foreign policy and explaining how government is financed through taxation.

7C Explain how government is financed through taxation.

#### Benchmark B: Foundations of the American Political System

1C Analyzing ideas and origins of American constitutional government and evaluating how this has helped to shape American society.

2C Explaining constitutional and democratic beliefs in American society and applying them to the analysis of issues of conflicting beliefs and principles.

3C Analyzing the nature of American political and social conflict.

4C Evaluating issues related to the differences between American ideals and the realities of American social and political life.

5C Evaluating the roles of political parties, campaigns, and elections in American politics.

6C Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics.

#### Benchmark C: International Relationships

1C Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States.

2C Analyzing the major foreign policy positions of the United States and evaluating their consequences.

3C Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments on the United States.

#### Benchmark D: Roles of the Citizen

1C Evaluating and defending positions on issues regarding the personal, political, and economic rights of citizens.

2C Evaluating and defending positions regarding the personal and civic responsibilities of citizens in American constitutional democracy.

3C Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy.

4C Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy.

Economics Strand: Interdependence and Decision Making (E): Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

#### Benchmark A: Fundamental Economic Concepts

1C Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity costs that result.

2C Analyzing the roles that production, distribution, and consumption play in economic decisions.

3C Applying the skills and knowledge necessary in making decisions about career options.

4C Comparing and evaluating basic economic systems.

5C Explaining the basic features of market structures and exchanges.

6C Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems.

7C Analyzing the roles of money and banking in an economic system.

8C Applying economic concepts to understand and evaluate historical and contemporary issues.

#### Benchmark B: Individuals, Households, Businesses, and Governments

1C Identifying factors that cause changes in supply and demand.

2C Analyzing how supply and demand, price, incentives, and profit influence production and distribution in a competitive market system.

3C Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy.

4C Analyzing the causes and consequences of worldwide economic interdependence.

5C Evaluating the effects of domestic policies on international trade.

6C Analyzing Louisiana's role in the world economy.

### Benchmark C: The Economy as a Whole

- 1C Explaining the meanings of economic indicators such as Gross Domestic Product, per capita GDP, real GDP, CPI, and unemployment rate.
- 2C Explaining how interest rates, investments, and inflation/deflation impact the economy.
- 3C Analyzing unemployment and income distribution in a market economy.
- 4C Explaining the basic concepts of United States fiscal policy and monetary policy and describing their effects on the economy.

History Strand: Time, Continuity, and Change (H): Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

### Benchmark A: Historical Thinking Skills

- 1C Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity.
- 2C Explaining and analyzing events, ideas, and issues within a historical context.
- 3C Interpreting and evaluating the historical evidence presented in primary and secondary sources.
- 4C Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
- 5C Conducting research in efforts to analyze historical questions and issues.
- 6C Analyzing cause/effect relationships.

### Benchmark B: United States History

- 1C Analyzing the significant changes that resulted from interactions among the peoples of Europe, Africa, and the Americas.
- 2C Summarizing the process by which the United States was colonized and later became an independent nation.
- 3C Analyzing the development of the American constitutional system.
- 4C Tracing territorial expansion and reform movements in the United States.
- 5C Analyzing the origins, major events, and effects of the Civil War and Reconstruction.
- 6C Analyzing the development of industrialization and examining its impact on American society.
- 7C Describing the immigration and internal migration patterns that have occurred in the history of the United States and examining the cultural and social changes that have resulted.
- 8C Evaluating the significance of the Progressive Movement.
- 9C Analyzing the rise of the labor and agrarian movements.
- 10 Explaining the changing role of the United States in world affairs through World War I.
- 11 Analyzing the causes, developments, and effects of the Great Depression and the New Deal.
- 12 Analyzing the origins, events, and results of World War II.
- 13 Examining and summarizing key developments in foreign and domestic policies during the Cold War era.
- 14 Analyzing the economic, political, social, and cultural transformation of the United States since World War II.
- 15 Explaining the major changes that have resulted as the United States has moved from an industrial to an information society.
- 16 Analyzing developments and issues in contemporary American society.

- 17 Discussing and demonstrating an understanding of recent developments in foreign and domestic policies.
- 18 Discussing and demonstrating an understanding of recent developments in foreign and domestic policies.

### Benchmark C: World History

- 1C Analyzing the development of early human communities and civilizations.
- 2C Making generalizations about the cultural legacies of both the ancient river and the classical civilizations.
- 3C Analyzing the origins, central ideas, and worldwide impact of major religious and philosophical traditions.
- 4C Summarizing the developments and contributions of civilizations that flourished in Europe, Asia, Africa, and the Americas.
- 5C Analyzing the consequences of the economic and cultural interchange that increasingly developed among the peoples of Europe, Asia, and Africa.
- 6C Analyzing the impact of transoceanic linking of all major regions of the world.
- 7C Analyzing the political, cultural, and economic developments and trends that resulted in the transformation of major world regions.
- 8C Explaining how the emergence of territorial empires in Europe, Asia, and Africa unified large areas politically, economically, and culturally.
- 9C Tracing the expansion of European power and economic influence in the world and examining the impact of this expansion on societies in Asia and the Americas.
- 10 Analyzing the impact that political revolutions and new ideologies had on societies around the world.
- 11 Evaluating the economic, political, and social consequences of the agricultural and industrial revolutions on world societies.
- 12 Analyzing the patterns of worldwide change that emerged during the era of Western military and economic domination.
- 13 Analyzing the causes and international consequences of World War I, World War II, and other 20th century conflicts.
- 14 Analyzing the international power shifts and the breakup of colonial empires that occurred in the years following World War II.
- 15 Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### §517. Implementing the Standards Through FHA/HERO

Note: Throughout this document, the integration of FHA/HERO is denoted below the standard to which it is related.

A. Future Homemakers of America (FHA/HERO) is the national student organization that serves and supports family and consumer sciences education. At the heart of FHA/HERO is involvement in projects and activities that students plan, carry out and evaluate themselves. These projects create ideal opportunities for students to both develop and apply family and consumer sciences skills while demonstrating mastery of the standards. FHA/HERO projects' "end products," portfolios, project reports, skills demonstrations and more, offer relevant, authentic means to assess student learning. Through their FHA/HERO involvement, students sort out thoughts, analyze situations,

set goals, interact with others, apply classroom knowledge and become leaders in today's and tomorrow's families, careers and communities. FHA/HERO members encounter situations through which they:

1. apply skills in family and consumer sciences, academics and communication;
2. accept responsibility;
3. experience leadership;
4. learn to plan, implement and evaluate individual and group action;
5. build relationships;
6. develop appreciation for diversity;
7. analyze and solve problems;
8. adapt to change;
9. explore careers;
10. establish positive career-related attitudes and habits.

B. FHA/HERO is an integral part of the family and consumer sciences education program. In the local school, chapter projects and activities stem from and enhance family and consumer sciences programs of study. FHA/HERO chapters give students expanded opportunities for knowledge application, leadership training, community involvement and personal growth. Many of these experiences occur during class time, while others may occur out of class.

C. FHA/HERO National Programs. Future Homemakers of America offers a variety of national programs to guide and motivate students as they develop projects related to the family and consumer sciences national standards.

D. FHA/HERO Program Support Resources. Future Homemakers of America offers materials to support all of its national programs, as well as handbooks, guides, activity sheets, audiovisuals, brochures, *The Adviser* newsletter, *Teen Times* magazine, and more. A complete list of resources created to support students and teachers in their FHA/HERO involvement is available in the annual *FHA/HERO Publications Catalog*. A free catalog is available on request from the Future Homemakers of America's national office.

E. Contact Information. For more information about how an FHA/HERO chapter can help implement and assess the family and consumer sciences standards, contact the FHA/HERO State Adviser or the Future Homemakers of America's national office at:

National FHA/HERO  
1910 Association Drive  
Reston, VA 20191-1584  
Phone: (703) 476-4900  
Fax: (703) 860-2713  
E-mail: natlhdqtrs@fhahero.org  
Homepage: www.fhahero.org  
Fax-on-Demand: 1-800-NFO-TOGO

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to: Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Bulletin 109** Family and Consumer Sciences Content Standards Curriculum Framework

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed policy will provide Family and Consumer Science Education standards. It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units. The LEA may choose to offer new courses to students that may require purchasing items such as new textbooks, instructional materials or equipment. Each LEA will make their determination.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed policy will assist teachers in developing lessons that will prepare Family and Consumer Sciences students in attaining vocational skills for the workplace.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employers could have a larger, trained qualified pool from which to select employees.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0308#099

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 111 The Louisiana School, District,  
and State Accountability System  
(LAC 28:LXXXIII.Chapters 1-43)

Editor's Note: Bulletin 111, *The Louisiana School, District, and State Accountability System* replaces the "Policy for Louisiana's Public Education Accountability System" previously contained in Bulletin 741, *The Louisiana Handbook for School Administrators*. See Notice of Intent repealing the "Policy for Louisiana's Public Education Accountability System" from Bulletin 741, *The Louisiana Handbook for School Administrators*, located in this issue of the *Louisiana Register*.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the adoption of Bulletin 111, *The Louisiana School, District, and State Accountability System*. Bulletin 111 will be printed in codified format as Part LXXXIII of the *Louisiana Administrative Code*. Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The state's accountability system is an evolving system with different components. Bulletin 111 replaces the "Policy for Louisiana's Public Education

Accountability System" previously contained in Bulletin 741, *The Louisiana Handbook for School Administrators*, adjusting existing policy and adding new components to comply with federal guidance.

**Title 28  
EDUCATION**

**Part LXXXIII. Bulletin 111 The Louisiana School,  
District, and State Accountability System**

**Chapter 1. General Provisions**

**§101. School Accountability**

A. Every school shall participate in a school accountability system based on student achievement as approved by the Louisiana State Board of Elementary and Secondary Education (refer to R.S. 17:10.1).

B. Under *No Child Left Behind* (NCLB) the Elementary and Secondary Education Act of 2001, a state's definition of Adequate Yearly Progress (AYP) must apply the same high standards of academic achievement to all public elementary and secondary school students in the state and result in continuous and substantial academic improvement for all students. Schools shall be judged on AYP through both the school performance score component and the subgroup component of the Louisiana School Accountability System.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 3. School Performance Score Component**

**§301. School Performance Score Goal**

A. A School Performance Score (SPS) shall be calculated for each school. This score shall range from 0.0 to 120.0 and beyond, with a score of 120.0 indicating a school has reached Louisiana's 2014 goal.

B. The school performance score shall be determined using a weighted composite index derived from three or four indicators: criterion-referenced tests (CRT), norm-referenced tests (NRT), student attendance for grades K-12, dropout rates for grades 7-12.

K-12 Indicators and Weighting	
CRT (60% K-12)	Grades 4, 8, 10, 11
NRT (30% K-12)	Grades 3, 5, 6, 7, 9
Attendance (10% K-6; 5% 7-12)	Grades K-12
Dropout Rate (5% 7-12)	Grades 7-12

C. The lowest score that a given school can receive for each individual indicator index and/or for the SPS as a whole is "0."

D. Each school shall receive their school performance scores under one site code regardless of their grade structures.

E. Beginning in 2003, for schools that are currently in CAII or have an interim SPS of less than 45, the LDE shall release preliminary school performance scores and school improvement status at least two weeks prior to the 2003-04 school year. Beginning in 2004, preliminary accountability results issued each summer shall include both preliminary school performance scores and subgroup component analyses for those schools on the academic watch list, or in school improvement 2 or higher, or who have failed the subgroup component the prior year. Final accountability results shall be issued during the fall semester of each year.

1. In the fall of 2003, schools shall receive two SPSs.

a. The 2003 Growth SPS shall consist of 2002 and 2003 CRT and NRT data (excluding LAA and LAA-B data), and 2000-01 and 2001-02 attendance and/or dropout data.

i. Growth labels, rewards status, and school improvement status for the SPS component shall be determined by the Growth SPS.

b. The 2003 Baseline SPS shall consist of 2002 and 2003 CRT and NRT data (including LAA and LAA-B student data) and 2000-01 and 2001-02 attendance and/or dropout data.

i. Performance labels shall be determined by the Baseline SPS, except as provided for in §301.F.

2. Beginning in fall of 2004, schools shall receive two SPSs.

a. A Growth SPS, which shall consist of the CRT, NRT, and LAA data from the prior school year and the attendance and/or dropout data from the school year two years prior (example: fall 2004 Growth SPS will include spring 2004 CRT, NRT and LAA data and 2002-2003 attendance and/or dropout data).

i. The Growth SPS shall be used to determine growth labels, rewards status and school improvement status for the SPS component.

b. A Baseline SPS, which shall consist of the two prior school years' CRT, NRT, and LAA data and attendance and/or dropout data from two years' prior to the most recent assessment results (example: fall 2004 Baseline SPS will include spring 2003 and 2004 CRT, NRT, and LAA data and 2001-02 and 2002-03 attendance and/or dropout data).

i. The Baseline SPS shall be used to determine performance labels and academically unacceptable schools.

F. For 2003 only, schools with a Growth SPS below 45.0 shall have a one-year SPS computed based on 2003 CRT and NRT data and 2001-02 attendance and dropout data only. The higher of the two (Growth SPS vs. one-year SPS) shall be used to determine school improvement status and performance label.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§303. Calculating the SPS Component**

A. Formula for Calculating an SPS [K-6]			
All intermediate results and the final result shall be rounded to the nearest tenth.			
The SPS for a K-6 school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example,			
$[(66.0 * 60%) + (75.0 * 30%) + (50.0 * 10\%)] = 67.1$			
Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0
			SPS = 67.1

B. Formula for Calculating an SPS [K-8]			
The SPS for a K-8 school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, $[(71.2 * 60%) + (76.1 * 30%) + (87.7 * 5%) + (90.4 * 5\%)] = 74.4$			
Indicator	Index Value	Weight	Indicator Score
CRT	71.2	60%	42.7
NRT	76.1	30%	22.8
Attendance	87.7	5%	4.4
Dropout	90.4	5%	4.5
			SPS = 74.4

C. Formula for Calculating an SPS for 9-12 and Combination Schools. Combination schools are schools that contain a 10th and/or 11th grade and that also contain a 4th and/or 8th grade. The SPS for a 9-12 school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is: SPS = (.60 * CRT Adjusted Achievement Index) + (.30 * NRT Adjusted Achievement Index) + (.05 * Dropout Index) + (.05 * Attendance Index) D. All intermediate results and the final result shall be rounded to the nearest tenth. The following is an example of how this calculation shall be made: [(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0.			
Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
			SPS = 69.0

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§305. Calculating the CRT Index**

A. A school's CRT index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments times 4 (number of subjects). For the CRT index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced =	200 points
Mastery (Exceeding the Standard) =	150 points
Basic (Meeting the Standard) =	100 points
Approaching Basic (Approaching the Standard) =	50 points
Unsatisfactory =	0 points

B. A student not taking the test and not exempted will be assigned a zero CRT index.

C. A student taking the Louisiana Alternate Assessment shall be included in the CRT index as delineated in §3905 of this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§307. Incentive Points**

A. Students repeating the 4th or 8th grade must retake all parts of the LEAP 21 exam.

B. If, during spring testing, a repeating 4th grade student or Option I 8th grade student receives a score of approaching basic (approaching the standard) or above on a LEAP 21 test of mathematics, English language arts, science or social studies for which he/she received a score of unsatisfactory the previous spring, the retaining school shall receive 50 incentive points per subject in its accountability index. A student may earn a maximum of 200 incentive points for his/her school. (No incentive points will be awarded for passing parts of tests in the summer school of the year they first failed in spring testing.)

C. Option II 8th grade students (students passing one part of the LEAP 21 that have been placed on a high school

campus) must retake the part of the LEAP 21 exam they failed.

1. If, during spring testing, an Option II 8<sup>th</sup> grade student receives a score of approaching basic or above on the LEAP 21 test for which he/she received a score of unsatisfactory the previous spring, the high school in which the Option II 8th grader is enrolled, shall earn 50 incentive points in its 9th grade NRT index.

D. Students repeating the GEE 21 ELA, math, science, and/or social studies tests shall not earn incentive points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§309. Formula for Calculating a CRT Index for a School [K-8]**

A. Calculate the total number of points by multiplying the number of students at each performance level times the points for those respective performance levels, for all content areas and summing those products.

B. Add to the sum any incentive points and divide by the product of the total number of students eligible to be tested times the number of content area tests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§311. Calculating the CRT Index [9-12]**

A. Calculate the total number of points by multiplying the number of students at each performance level times the points for those respective performance levels, for all content areas tested and summing those products.

B. Divide the sum by the total number of students eligible to be tested times the number of content area tests to get the raw achievement index for the grade.

C. Multiply the raw index by the product of the non-dropout rates from the previous year for that grade and for all the previous grades (see formulas below). This operation means that the grade 10 CRT index shall be multiplied by the grade 9 and grade 10 non-dropout rates plus 0.07, and the grade 11 CRT index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates plus 0.07. This operation shall yield the adjusted achievement index.

D.1. The formula for calculating the CRT adjusted achievement index for a high school is:

$$\text{CRT Adjusted Achievement Index (Gr 10)} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07) * (1 - \text{DO Gr 10} + .07)$$

$$\text{CRT Adjusted Achievement Index (Gr 11)} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07) * (1 - \text{DO Gr 10} + .07) * (1 - \text{DO Gr 11} + .07)$$

2. Scores for students repeating the GEE 21 ELA, math, science, and/or social studies tests, shall not be included in SPS calculations.

Example 1 – Grade 9:

Before beginning grade 9, a class has 50 students; by the end of September, 45 remain in the class. The grade 9 dropout rate is:

$$(5/50) = .100.$$

The number of points earned on the NRT is 5000.

The raw achievement index is:

$$5000/45 = 111.1.$$

The adjusted achievement index is:  
 $111.1 \times (1 - .100 + .07) = 107.8.$

Example 2 – Grade 10:  
 Another 5 students dropout before October of grade 10. The grade 10 dropout rate is:  
 $5/45 = .111.$

The 40 students remaining in the class earn 10,000 points on the two CRT tests. The raw achievement index is:  
 $10,000/(40 * 2) = 125.0.$

The adjusted achievement index is:  
 $125.0 \times (1 - .100 + .07) \times (1 - .111 + .07) = 116.3.$

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§313. Formula for Calculating a CRT Index for a Combination School**

A. Calculate the CRT index score for the K-8 portion of the school as instructed above in the K-8 directions.

B. Calculate the CRT adjusted index score for the 9-12 portion of the school as instructed above in the 9-12 directions.

C. Multiply the K-8 CRT index by the number of students eligible to take the K-8 CRT times 4 (number of subjects). Multiply the 9-12 CRT adjusted index by the number of tests 9-12 students were eligible to take.

D. Sum the two products in C above.

E. Divide the sum in D above by the sum of tests all students (K-12) were eligible to take.

$[(K-8 \text{ CRT index} * \text{number students eligible to test} * 4) + (9-12 \text{ CRT adjusted index} * \text{number of tests students were eligible to take})] / \text{Total of tests K-12 students were eligible to take}.$

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 5. Calculating the NRT Index**

**§501. Formulas Relating Student Standard Scores to NRT Index (K-8)**

A. Formulas for calculating the NRT index for 2002 Iowa Standard Scores (SS).

Index 3 <sup>rd</sup> Grade = (4.167 * SS) – 679.2
Index 5 <sup>th</sup> Grade = (2.941 * SS) – 544.1
Index 6 <sup>th</sup> Grade = (2.500 * SS) – 477.5
Index 7 <sup>th</sup> Grade = (2.174 * SS) – 428.3
Index 9 <sup>th</sup> Grade = (2.083 * SS) – 447.8

B. Formulas for calculating the NRT Index Iowa Standard Scores (SS) beginning in 2003.

Index 3 <sup>rd</sup> Grade = (4.181 * SS) – 693.6
Index 5 <sup>th</sup> Grade = (3.101 * SS) – 599.3
Index 6 <sup>th</sup> Grade = (2.462 * SS) – 470.4
Index 7 <sup>th</sup> Grade = (2.153 * SS) – 427.1
Index 9 <sup>th</sup> Grade = (2.060 * SS) – 430.5

C. A student not taking the test and not exempted will be assigned a zero NRT index.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§503. Calculating the NRT Index [K-8]**

A. For the NRT index, composite standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school's NRT index score.

B. Calculate the index for each student, using the grade-appropriate formula relating the standard score to NRT index.

C. Sum the total number of NRT index points for all grades in the school.

D. Divide the sum of the NRT index points by the total number of students eligible to be tested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§505. Calculating the NRT Index [9-12]**

A. For the NRT index, composite standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school's NRT index score.

B. Calculate the index for each student, using the grade-appropriate formula relating the standard score to NRT index.

C. Sum the total number of NRT index points earned by all students. For the NRT, there shall be one score for each student. The NRT index calculated from the student's composite standard score. For the CRT, students shall be taking two tests at each grade.

D. Divide the sum by the total number of students eligible to be tested.

E. Multiply the raw index by the 9th grade dropout adjustment (see formula below). This operation means that the grade 9 NRT index shall be multiplied by the grade 9 non-dropout rate (in decimal form) plus 0.07.

NOTE:  $NRT \text{ Adjusted Achievement Index} = \text{Raw Achievement Index} * (1 - DO \text{ Gr } 9 + .07)$

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§507. Formula for Calculating a NRT Index for a Combination School**

A. Calculate the NRT index score for the K-8 portion of the school as instructed above in the K-8 directions.

B. Calculate the NRT adjusted index score for the 9-12 portion of the school as instructed above in the 9-12 directions.

C. Multiply the K-8 NRT index by the number of students eligible to take the K-8 NRT. Multiply the 9-12 NRT adjusted index by the number of 9-12 students eligible to take the NRT. Sum the two products. Divide the sum by the number of K-12 students eligible to take the NRT.

D.  $NRT \text{ adjusted achievement index} = [(K-8 \text{ NRT index} * \text{number students eligible to test}) + (9-12 \text{ NRT adjusted index} * \text{number of students eligible to test})] / \text{total K-12 students eligible to test}.$

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:



**§509. Inclusion of Alternate Assessment Results in the NRT**

A. A student taking the Louisiana Alternate Assessment shall be included in the NRT index as delineated in §3905 of this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§511. Attendance Index Calculations**

A. An attendance index score shall be calculated for each school. The attendance index shall be calculated using the prior two years' average attendance rates as compared to the state's goal.

B. K-8 school attendance index formula =  $(16.667 * ATT) - 1483.4$

C. 9-12 school attendance index formula =  $(16.667 * ATT) - 1450.0$

D. Combination school attendance index formula =  $[(K-8 \text{ attendance index} * \text{number of K-8 students}) + (9-12 \text{ attendance index} * \text{number of 9-12 students})] / \text{total K-12 enrollment}$ .

NOTE: Where ATT is the attendance percentage, the index formula uses the definition of attendance established by the Louisiana Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§513. Dropout Index Calculations**

A. A dropout index score for each school shall be calculated. The index shall be calculated using the prior two years' average dropout rates as compared to the state's goal.

B. The national definition of *dropout* shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.

C. Non-Dropout Rate (NDO) =  $100 - \text{Dropout Rate (DO)}$

NOTE: DO is expressed as a percentage

D. 7-8 dropout index formula =  $(25 * NDO) - 2300.0$

E. 9-12 dropout index formula =  $187.5 - (12.5 * \text{dropout rate})$

F. Combination dropout index formula =  $[(7-8 \text{ dropout index} * \text{number of 7-8 students}) + (9-12 \text{ dropout index} * \text{number of 9-12 students})] / \text{total 7-12 enrollment}$ .

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§515. State Assessments and Accountability**

A. With the exception of grade 8 Option II students and high school students who have not passed all parts of the GEE 21, Louisiana students in grades 3 through 11 will participate in only one of the following state assessments on an annual basis:

1. LEAP 21 or;
2. GEE 21 or;
3. Iowa On-Level or;
4. LEAP Alternate Assessment (LAA).

B. Grade 8 Option II students shall take both the 9th grade NRT and the LEAP 21 test they failed the previous spring.

C. All LEP students shall take the English Language Development Assessment (ELDA) annually as well as the appropriate state assessment for their enrolled grade.

D. GEE 21 scores for repeaters (in any subject) shall not be included in high school SPS calculations.

E. High school students who meet LEAP alternate assessment participation criteria shall take the LAA at the 9th, 10th, and 11th grade beginning in spring 2004.

F. Scores shall not be included in school performance score calculations for LEP students who have not been enrolled in an English-speaking school for one full school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§517. Inclusion of Students**

A. As a general rule for the school performance score calculations, the test score of every eligible student who is eligible to take a test at a given school shall be included in that school's performance score regardless of how long that student has been enrolled in that school. A school that has at least 10 percent of its students transferring from outside the district and enrolled in the school after October 1 may request that the Louisiana Department of Education calculate what its SPS would have been if such out-of-district enrollees had not been included. If there is at least a 2.5 point difference between the two school performance scores, then the school may appeal any negative accountability action taken by the state (e.g., movement into school improvement, application of growth labels).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§519. Inclusion of Schools**

A. A minimum number of testing units shall be required for school accountability calculations. For the 2003 Growth SPS, all schools shall have a minimum number of:

1. 80 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 20 students with complete composite scores on the statewide norm-referenced test.

B. Beginning in 2004, for the Baseline SPS, all schools shall have a minimum number of:

1. 80 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 20 students with complete composite scores on the statewide norm-referenced test.

C. Beginning in 2004, for the Growth SPS, all schools shall have a minimum number of:

1. 40 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 10 students with complete composite scores on the statewide norm-referenced test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§521. Pairing/Sharing of Schools with Insufficient Test Data**

A. In order to receive an SPS, a given school must have at least one grade level of CRT testing and at least one grade

level of NRT testing. A school that does not meet this requirement must be either "paired or shared" with another school in the district as described below. For the purpose of the Louisiana Accountability System, such a school shall be defined as a "non-standard school."

B. A school with a grade-level configuration such that it participates in neither the CRT nor the NRT (e.g., a K, K-1, K-2 school) must be "paired" with another school that has at least one grade level of CRT testing and one grade level of NRT testing. This "pairing" means that a single SPS shall be calculated for both schools by averaging both schools' attendance and/or dropout data and using the test score data derived from the school that has at least two grade levels of testing.

C. A school with a grade-level configuration in which students participate in either CRT or NRT testing, but not both (e.g., a K-3, 5-6 school) must "share" with another school that has at least one grade level of the type of testing missing. Both schools shall "share" the missing grade level of test data. This shared test data must come from the grade level closest to the last grade level in the non-standard school. The non-standard school's SPS shall be calculated by using the school's own attendance, dropout, and testing data AND the test scores for just one grade from the other school.

D. A district must identify the school where each of its non-standard schools shall be either "paired or shared". The "paired or shared" school must be the one that receives by promotion the largest percentage of students from the non-standard school. In other words, the "paired or shared" school must be the school into which the largest percentage of students "feed." If two schools receive an identical percentage of students from a non-standard school, the district shall select the "paired or shared" school.

E. If a school is not paired/shared at the beginning of the school year for the baseline SPS, it shall not be paired/shared at the end of the school year for the growth SPS.

F. Requirements for the number of test units shall be the sum of the test units in a one-year period (not the number of test units in one year). A school's sharing/pairing status at the beginning of the school year for the baseline SPS shall be its status at the end of the school year for the growth SPS.

G. If a school has too few test units to be a "stand-alone" school, it may request to be considered stand-alone.

1. It shall receive an SPS that is calculated solely on that school's data, despite the small number of test units.

2. The request shall be in writing to the LDE from the LEA superintendent.

3. The school forfeits any right to appeal its growth status based on minimum test unit counts.

H. Once the identification of "paired or shared" schools has been made, this decision is binding for 10 years. An appeal to the SBESE may be made to change this decision prior to the end of 10 years, when redistricting or other grade configuration and/or membership changes occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§523. Growth Targets**

A. Each school shall receive a growth target that represents the amount of progress it must make every year to reach the state's 2014 goal of 120.0.

B. In establishing each school's growth target, the Baseline SPS inclusive of students with disabilities shall be used.

C. The percentage of LEP students and students with disabilities varies significantly across schools, and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of such students eligible to participate in the CRT, NRT, or LAA in each school will be a factor in determining the growth target for each school.

$$\text{PropRE} * (120 - \text{SPS})/N + [\text{PropSE} * (120 - \text{SPS})/(2N)] + [\text{PropLEP} * (120 - \text{SPS})/(2N)]$$
 or 2.0 points, whichever is greater.

PropRE (Proportion Regular Education Students) = the number of students not in special education or LEP divided by the total number of students in the school eligible to participate in the NRT, CRT, or LAA.

PropSE (Proportion Special Education Students) = the number of special education students in the school who are eligible to participate in the NRT, CRT, or LAA and who are not defined as LEP students divided by the total number of students in the school who are eligible to participate in the NRT, CRT, or LAA. For purposes of this calculation, gifted, talented, and 504 students shall not be counted as special education students, but shall be included in the calculations as regular education students

Prop LEP (Proportion Limited English Proficient Students) = the number of limited English proficient students in the school participating in the NRT, CRT, or LAA divided by the total number of students in the school who are eligible to participate in the NRT, CRT, or LAA.

SPS = Baseline School Performance Score.

N = Number of remaining years until 2014.

D. The maximum amount of growth that a school shall be required to attain is 10.0 points. The minimum amount of growth required shall be 2.0 points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§525. Growth Targets for New or Reconfigured Schools and Reconstituted Schools**

A. Once a baseline for the new or reconfigured school has been established, a growth target shall be set based on the number of years remaining until 2014, with a maximum growth target of 10.0 points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **Chapter 7. Subgroup Component** **§701. Subgroup Component Indicators**

A. Each school shall be evaluated on the subgroup component. A school shall pass the subgroup component provided that each subgroup of students meets the subgroup component, and the school, as a whole, meets the criteria for status or improvement on the additional academic indicator.

1. Passing the subgroup component.

a. Participation rate test  $\geq$  95 percent of the students within the subgroup participated in the standards-based assessments; and

b. Annual Measurable Objective status test (AMO status test) the subgroup percent proficient score is at/or above the annual measurable objective in ELA and mathematics; or

c. Safe Harbor Test

i. the percentage of non-proficient students within the subgroup reduced by at least 10 percent of the previous year's value; and

ii. the subgroup improved or met the criterion on the additional academic indicator (attendance rate for elementary and middle schools and non-dropout rate for high schools).

2. 2002-03 will be year one of judging schools based on the subgroup component.

3. 2003-04 will be year two of judging schools based on the subgroup component.

4. For the non-proficient reduction portion of the safe harbor test, a comparison of current year assessment data to the previous year assessment data shall be used. For the additional academic indicator check for the safe harbor test and for the whole school check, attendance and dropout data from two years prior will be compared to data from three years prior.

5. To ensure high levels of reliability, Louisiana will apply a 99 percent confidence interval to the calculations of subgroup component determinations for:

a. AMO status test;

b. Reduction of non-proficient students (safe harbor test); and

c. Status attendance/non-dropout rate analyses.

6. Louisiana will not apply a confidence interval to improvement analyses for attendance/non-dropout rate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§703. Inclusion of Students in the Subgroup Component**

A. Students that meet the following criteria shall be included in all subgroup component analyses for the AMO status test and reduction of non-proficient students (safe harbor test).

1. Enrolled for the Full Academic Year (FAY):

a. at school level enrolled at the school on Oct. 1 and the date of testing;

b. at district level enrolled in the district on Oct. 1 and the date of testing;

c. at state level enrolled in a public LEA in the state on Oct. 1 and the date of testing.

2. First Administration of the Test:

a. only the first test administration will be used for the subgroup status and growth tests;

b. excludes summer school results and repeaters.

B. For analyses involving the additional academic indicator, all students in each subgroup in the school shall be included.

C. Each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) within each school shall be evaluated separately on ELA and mathematics.

1. In calculating the subgroup component for a school, the alternate academic achievement standards for students participating in LAA will be used, provided that the percentage of LAA students at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a waiver. If the district fails to request the waiver or if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA, the students that exceed the cap or that are ineligible shall be assigned a zero on the assessment and considered nonproficient.

2. Students participating in LAA shall be included in the special education subgroup.

3. LEP students shall participate in the statewide assessments.

a. Scores of all LEP students shall be included in the subgroup component calculations.

D. Subgroups shall consist of:

1. at least 10 students in order to be evaluated for the subgroup component;

2. at least 40 students in order to be evaluated for the 95 percent participation rate.

E. Subgroups shall pass the participation rate test and either the AMO status test; or the safe harbor test in order to be considered as having passed the subgroup /component.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§705. AMO**

A. The Annual Measurable Objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments, which through 2005 will include English/language arts and mathematics tests for 4th, 8th, and 10th grades.

1. Proficient = a score of basic, mastery or advanced.

B. As required in NCLB, the AMOs have been established based on the baseline percent proficient score (proficient = CRT level of basic, mastery, or advanced) in English-language arts and mathematics in the 20th percentile school, using the 2002 CRT test scores in ELA and mathematics for grades 4, 8, and 10.

C. The AMOs for ELA and math are as follows.

School Year	ELA	Mathematics
2001-2002		
2002-2003	36.9 %	30.1 %
2003-2004	36.9 %	30.1 %
2004-2005	47.4 %	41.8 %
2005-2006	47.4 %	41.8 %
2006-2007	47.4 %	41.8 %
2007-2008	57.9 %	53.5 %
2008-2009	57.9 %	53.5 %
2009-2010	57.9 %	53.5 %
2010-2011	68.4 %	65.2 %
2011-2012	78.9 %	76.9 %
2012-2013	89.4 %	88.6 %
2013-2014	100.0 %	100.0 %

D. A 99 percent confidence interval shall be used when evaluating whether subgroups within a school have attained the Annual Measurable Objective (AMO).

E. A confidence interval is a statistic that creates a range of scores. Subgroups with a 95 percent participation rate that attain a percent proficient score within or above the confidence interval range for the AMO shall be considered as having passed the subgroup component. Confidence interval ranges are affected by subgroup size. Smaller subgroups will have a wider range and larger subgroups will have a narrower range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§707. Safe Harbor**

A. Subgroups that do not pass the AMO status test by attaining a percent proficient score within or above the confidence interval range shall be evaluated for safe harbor.

B. Safe harbor is attained if:

1. the subgroup makes a 10 percent reduction in its non-proficiency rate from the previous year:

a. a 99 percent confidence interval is applied to this reduction check; and

2. the subgroup:

a. achieves a 90 percent attendance rate (for schools without a 12th grade) or 90 percent non-dropout rate (for schools with a 12th grade). (A 99 percent confidence interval is applied to the 90 percent attendance rate and 90 percent non-dropout rate check); or

b. makes at least 0.1 percent improvement in attendance rate (for schools without a 12th grade) or non-dropout rate (for schools with a 12th grade) from the previous year.

C. For schools with a 12th grade, the non-dropout rate shall be evaluated for students in grade 9 and above.

D. Subgroups passing the participation rate test and achieving safe harbor shall be considered as having passed the subgroup component.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§709. Failing the Subgroup Component**

A. A school shall fail the subgroup component if ANY subgroup within that school fails the participation rate test, the ELA or math AMO status test or the safe harbor test.

B. A school in which all subgroups have passed the subgroup component must also have the school pass the additional academic indicator:

1. achieved a 90 percent attendance rate (for schools without a 12th grade)/90 percent non-dropout rate (for schools with a 12th grade). (A 99 percent confidence interval is applied to the 90 percent attendance rate and 90 percent non-dropout rate check.); or

2. made at least 0.1 percent improvement in attendance rate (for schools without a 12th grade) or non-dropout rate (for schools with a 12th grade) from the previous year.

NOTE: If a school in which all subgroups have passed the subgroup component does not pass the additional academic indicator, it shall not pass the subgroup component.

C. Any school that has failed the subgroup component for any reason for two consecutive years will enter school improvement 2 (e.g. special education in mathematics in year one and economically disadvantaged in ELA in year

two. The school has failed the subgroup component for two consecutive years and therefore, must enter SI 2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 9. Growth Labels**

**§901. Growth Labels for 2003**

Exemplary Academic Growth	A school exceeding its growth target by five points or more
Recognized Academic Growth	A school exceeding or meeting its growth target by fewer than five points
Minimal Academic Growth	A school improving (at least 0.1 points) but not meeting its growth target
No Growth	A school with a change in SPS of 0 to -5.0 points
School In Decline	A school with a declining SPS (more than -5.0 points)

NOTE: In 2004, a school shall receive a label based on its success in attaining its growth target and its subgroup performance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§903. Growth Labels beginning in 2004**

Exemplary Academic Growth	A school that makes its growth target, all subgroups grow at least two points, and the school is not in SI.
Recognized Academic Growth	A school that makes its growth target but any subgroup does not grow at least two points and/or the school is in SI.
Minimal Academic Growth	A school improving (at least 0.1 points) but not meeting its growth target
No Growth	A school with a change in SPS of 0 to -2.5 points
School In Decline	A school with a declining SPS (more than -2.5 points)

NOTE: For subgroup performance to be evaluated, there must be a minimum of 10 students in the subgroup.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 11. Performance Labels**

**§1101. Performance Labels**

A. School Performance Score

Performance Label	School Performance Score
Academically Unacceptable	Below 45.0
Academic Warning*	45.0 – 59.9
★	60.0 – 79.9
★★	80.0 – 99.9
★★★	100.0 – 119.9
★★★★	120.0 – 139.9
★★★★★	140.0 and above

\*Effective with the 2005 performance labels, the definition of an academically unacceptable school shall be any school with an SPS below 60.0. The academic warning label will be used only with the 2003 and 2004 school performance scores.

B. When a school's performance label is greater than or equal to four stars (SPS>120.0), it shall not be identified for school improvement (formerly Corrective Actions) based on

its SPS and shall not receive "negative" growth labels (minimal academic growth, no growth, school in decline).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 13. Rewards/Recognition**

**§1301. Reward Eligibility**

A. For 2003, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it meets or surpasses its growth target and when it shows growth in the performance of students who are classified as high poverty and special education students (at least 0.1 points). Beginning in 2004, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it achieves a growth label of exemplary or recognized academic growth.

B. School personnel shall decide how any monetary awards shall be spent; however, possible monetary rewards shall not be used for salaries or stipends.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§1303. Correction of Data**

A. Districts and the Louisiana Department of Education (LDE) shall evaluate any instance of irregular or unusual data in the following respects for determining the allocation of rewards:

1. if irregularities are resolved and the data is corrected before rewards are provided, the rewards will be based upon the corrected data;

2. if the irregularities are resolved and the data is corrected after rewards have been distributed, the school shall be required to repay any rewards for which it was ineligible as determined by the audit findings or the State Board of Elementary and Secondary Education (SBESE) will subtract the reward amount from future funds to be awarded to the district or from some other source.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 15. School Improvement (formerly called Corrective Actions)**

**§1501. Levels of School Improvement**

A. There shall be six levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. There shall be six levels of school improvement. A school in school improvement shall begin the remedies required at the level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 1, SI 2, and SI 3).

SI Level	Remedy	Academically Unacceptable Schools		Subgroup Component AYP Analysis		SPS Component Failing to meet Growth Target
		Title I	Non-Title I	Title I	Non-Title I	All Schools
SI 1	District Assistance Team Revised School Improvement Plan					X X
SI 2	School Choice Scholastic Audit (Year 1)	X X	X X	X X	- X	- X
SI 3	Supplemental Educational Services (SES) Schools are eligible for DE Scholastic Audit (Year 2)	X X X	- X X	X - X	- - X	- - X
SI 4	Add from Corrective Action List Develop reconstitution plan (eligible for DE Partnership)	X X	X X	X -	X -	X -
SI 5	Implement reconstitution plan or lose school approval Develop Alternate Governance plan Develop Reconstitution "light" plan	X - -	X - -	- X -	- - X	- - X
SI 6	Alternate Governance Implement Reconstitution "light" - Substantial school reform aimed at increasing the academic performance of low achieving subgroups.	X -	X -	X -	- X	- X

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§1503. Entry into School Improvement**

A. Schools shall enter school improvement by three methods of identification.

1. Any academically unacceptable school enters school improvement 2.

a. In 2003, schools with a growth and one-year SPS below 45.0 shall be considered academically unacceptable.

b. Beginning in 2005, schools with a Baseline SPS below 60.0 shall be considered academically unacceptable.

2. Any school that fails the subgroup component for two consecutive years is in school improvement 2.

3. Schools that fail the SPS component, based on their SPS and required growth.

a. A 1 star or academic warning school that does not make its growth target enters school improvement 1.

b. A 2 star school that does not make at least 0.1 point of growth enters school improvement 1.

c. A 3 star school that has an SPS decline of more than 2.5 points after 2003 enters school improvement 1.

B. Schools that enter school improvement 2 through method 1 or 2 above shall be considered as not meeting adequate yearly progress for the purposes of NCLB.

C. For 2003, entry into and movement through school improvement for failure to meet required growth (growth target), will be determined based on the rules in effect at the time of spring 2003 student assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§1505. Exit from School Improvement**

A. A school shall exit school improvement if:

1. it is no longer academically unacceptable and has met its growth target;

2. it is in school improvement for failure to pass the subgroup component, and it passes the subgroup component for two consecutive years and is not academically unacceptable;

3. it is in school improvement for failure to meet its required growth on the SPS component, and it meets its required growth for one year and is not academically unacceptable and has not failed the subgroup component for two consecutive years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

## **Chapter 17. Requirements for Schools in School Improvement (SI)**

### **§1701. School Improvement 1 Requirements**

A. A school shall enter SI 1 if:

1. it is not academically unacceptable; and  
2. it has met the requirements of the subgroup component;

3. but;  
a. it has an SPS below 79.9 and did not meet its growth target; or

b. it has an SPS of 80.0-99.9 and did not grow at least 0.1 points; or

c. beginning in 2004, it has an SPS of 100.0-119.9 and has an SPS decline of more than 2.5 points.

B. A school shall remain in SI 1 if:

1. it is not academically unacceptable;  
2. it has met the requirements of the subgroup component;

3. it has not made its growth target; and

4. its new growth target is less than eight points.

NOTE: If the school meets the conditions of A, B, and C, but has a growth target > 8 points, it moves to SI 2.

### **C. School Improvement 1 Requirements**

1. A Revised or New School Improvement Plan. All Louisiana schools were required to have a school improvement plan in place by May of 1998. Those schools placed in School Improvement 1 (SI 1) shall be required to review and either revise or completely rewrite their plan, with the assistance of a district assistance team, according to the guidelines established by the Louisiana Department of Education, and submit it to the Division of School Standards, Accountability, and Assistance.

2. Assurance Pages. Each school in school improvement 1 shall be required to provide assurances that it worked with a District Assistance Team (DAT) to develop its school improvement plan and that the plan has the essential components required in the Louisiana School Improvement Plan Template. Signatures of the DAT team members shall also be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§1703. School Improvement 2 Requirements (SI 2)**

A. A school shall enter SI 2 if:

1. it is academically unacceptable; or  
2. it fails the subgroup component for two consecutive years; or

3. it fails the SPS component and has a growth target of eight points or more.

B. A school shall remain in SI 2 if:

1. it is academically unacceptable, made its growth target; or

2. it passes the subgroup component for the current year, but not two consecutive years; or

3. it fails the SPS component, has a GT > 8 points, but makes its growth target.

C. All schools in SI 2 must adhere to the requirements of schools in SI 1; however, districts with school improvement 2 schools must submit to the Louisiana Department of Education a *Quarterly Monitoring of the Implementation of the School Improvement Plan*.

D. Parents of students in Academically Unacceptable Schools (AUS) and Title I schools in SI 2 for failing the subgroup component shall have the right to transfer their child to a higher performing public school as stated in Chapter 25.

1. If a school's initial identification for school improvement 2 occurs with the summer preliminary accountability release, the school shall offer choice prior to the first day of school of that school year.

2. If a school's initial identification for school improvement 2 occurs with the fall final accountability

release, the school shall offer choice in January of that school year.

3. If a school is wrongly identified through the summer preliminary accountability release, the school shall continue in their choice obligations for the remainder of that school year, but shall be released from these obligations for the following school year.

E. With the assistance of the district assistance team, the school shall revise its school improvement plan to address the findings of the scholastic audit that will be conducted by an external team assigned by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§1704. School Improvement 3 Requirements**

A. A school enters SI 3 if:

1. it was first in SI 2; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component for the current year; or

4. it fails the SPS component and has a GT > 8 points.

B. A school stays in SI 3 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component for the current year, but not two consecutive years; or

3. it fails the SPS component, has a GT > 8 points, but makes its growth target.

C. All schools in SI 3 must adhere to the requirements of schools in SI 2.

D. A district may choose to enter into a partnership with the LDE to provide a distinguished educator for any academically unacceptable school in SI 3, as available. The district, with the approval of the local school board, shall delineate in writing, as part of this partnership, how the expertise and recommendations of the DE will be utilized and implemented to facilitate school improvement in the assigned school. The DE shall work in an advisory capacity to help the school improve student performance. The DE shall make a public report to the school board of recommendations for school improvement. Districts shall then publicly respond to these recommendations.

E. All Title I schools in SI 3, who have failed the subgroup component, shall offer supplemental educational services to their students as stated in Chapter 27.

1. If a school's initial identification for school improvement 3 occurs with the summer preliminary accountability release, the school shall offer state approved supplemental educational services prior to the first day of school of that school year.

2. If a school's initial identification for school improvement 3 occurs with the fall final accountability release, the school shall offer state approved supplemental educational services in January of that school year.

3. If a school is wrongly identified through the summer preliminary accountability release, the school shall continue in their state approved supplemental educational service obligations for the remainder of the semester, but shall be released from these obligations for the following semester.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§1705. School Improvement 4 Requirements**

A. All schools in SI 4 must adhere to the requirements of schools in SI 3.

B. A school enters SI 4 if:

1. it was first in SI 3; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component for the current year; or
4. it fails the SPS component and has a GT > 8 points.

C. A school remains in SI 4 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component for the current year, but not two consecutive years; or
3. it fails the SPS component, has a GT > 8 points, but makes its growth target.

D. All schools in SI 4, with the local school board's approval, shall select from the following corrective actions list:

1. replace school staff;
2. implement new curriculum;
3. decrease management authority;
4. contract an outside expert;
5. extend the school year or school day;
6. restructure.

E. For AUS schools, the DE may continue to serve the school in an advisory capacity.

F. A district must develop a reconstitution plan for all AUS schools at the beginning of the first school year in this level and submit the plan to the SBESE for approval by December of that school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§1706. School Improvement 5 Requirements**

A. All schools in SI 5 must adhere to the requirements of schools in SI 4.

B. A school enters SI 5 if:

1. it was first in SI 4; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component for the current year; or
4. it fails the SPS component and has a GT > 8 points.

C. A school remains in SI 5 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component for the current year, but not two consecutive years; or
3. it fails the SPS component, has at GT > 8 points, but makes its growth target.

D. All schools that entered SI 5 due to their AUS status must implement the reconstitution plans approved by SBESE while the school was in SI 4.

E. All Title I schools that enter SI 5 due to subgroup component failure must develop alternate governance plans

F. All non-Title I schools that enter SI 5 due to subgroup component failure must develop "Reconstitution Light" Plans.

G. All schools that enter SI 5 due to failure to meet the SPS component must develop "Reconstitution Light" Plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§1707. School Improvement 6 Requirements**

A. All schools in SI 6 must adhere to the requirements of schools in SI 5.

B. A school enters SI 6 if:

1. it was first in SI 5; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component for the current year; or
4. it fails the SPS component and has a GT > 8 points.

C. A school remains in SI 6 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component for the current year, but not two consecutive years; or
3. it failed the SPS component, has at GT > 8 points, but makes its growth target.

D. All Title I schools that enter SI 6 due to subgroup component failure must implement their alternate governance plans. All schools that enter SI 6 due to their AUS status must operate under alternate governance. Alternate governance shall be defined as:

1. reopen as a "public charter;"
2. replace all or most of school staff (may include principal);
3. enter into a contract with an entity with demonstrated record of effectiveness to operate the public school;
4. turn operation over to the state;
5. any other major restructuring of a school's governance arrangements that makes fundamental reform.

E. All non-Title I schools that enter SI 6 due to subgroup component failure and all non-AUS schools that enter SI 6 due to failure to pass the SPS component must implement their approved "Reconstitution Light" Plans.

F. The SBESE shall monitor the implementation of reconstitution plans.

NOTE: If the SBESE does not approve a reconstitution plan, and a given school does not meet the required minimum growth, the school shall lose its state approval and all state funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 19. School Improvement District and State Level Tasks**

**§1901. District Level Tasks**

A. For all schools in school improvement, districts shall submit to SBESE by February 1st of each year a status report regarding the implementation of all school improvement requirements and activities in each of their school improvement schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§1903. District Support at Each Level**

A. District's Responsibilities for School(s) in School Improvement 1.

1. Assign a district assistance team that will utilize the state's diagnostic process or another process meeting state approval to identify needs and work with the district

assistance team to develop/revise and implement a consolidated improvement plan, including an integrated budget. The process must include:

- a. opportunities for significant parent and community involvement;
- b. public hearings; and
- c. at least two-thirds teacher approval.

B. District's Responsibilities for School(s) in School Improvement 2:

1. continue to adhere to the requirements of SI 1 schools;
2. develop a plan with schools to correct problems identified by the scholastic audit, monitor implementation of the plan, and evaluate its effectiveness based on student assessment results;
3. assist with the scholastic audit, if necessary; and
4. offer school choice, if required, within proper timeframe.

C. District's Responsibilities for School(s) in School Improvement 3:

1. continue to adhere to the requirements of SI 2 schools;
2. may choose to enter into partnership with the LDE to provide a distinguished educator for academically unacceptable schools;
3. offer supplemental educational services for Title I schools; and
4. submit to SBESE a written response by the local school board to the DE's annual report no later than 45 days subsequent to receiving the DE's report. Failure to respond to these recommendations will result in the school being ineligible to receive the assistance of the DE.

D. District's Responsibilities for Schools in School Improvement 4:

1. continue to adhere to the requirements of SI 3;
2. may enter into a partnership with the LDE to provide a DE to work with academically unacceptable schools to design the school's reconstitution plan;
3. assist schools with an additional requirement from corrective action list:
  - a. replace school staff;
  - b. implement new curriculum;
  - c. decrease management authority;
  - d. contract an outside expert;
  - e. extend the school year or school day;
  - f. restructure.

E. District's Responsibilities to Schools in School Improvement 5:

1. continue to adhere to the requirements of SI 4, where applicable;
2. if a district has any academically unacceptable schools and those schools' reconstitution plans are approved by the SBESE, the district shall implement the approved reconstitution plans and utilize the recalculated data from the end of the previous year, school performance scores and growth targets, provided by the state. If the reconstitution plans are not approved, the schools lose state funding;
3. assist all other SI 5 schools in designing their alternate governance (Title I schools) or "Reconstitution Light" Plans (non-Title I schools) for submission to SBESE for approval.



F. District's Responsibilities to Schools in School Improvement 6:

1. assist all schools with implementation of their alternate governance or "Reconstitution Light" Plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 21. State-Level School Improvement Tasks**  
**§2101. State Support at Each Level**

A. State's Responsibilities to Districts with Schools in School Improvement 1:

1. provide diagnostic process for schools;  
2. provide training for district assistance Teams;  
3. work to secure new funding and/or redirect existing resources to help schools implement their improvement plans;  
4. provide additional school improvement funds, as available.

B. State's Responsibilities to Districts with Schools in School Improvement 2:

1. ensure that external scholastic audit is completed;  
2. work to secure new funding and/or redirect existing resources to help implement their improvement plans;  
3. approve school choice plans;  
4. provide additional school improvement funds, as available.

C. State's Responsibilities to Districts with Schools in School Improvement 3:

1. for academically unacceptable schools, the SBESE shall offer districts the opportunity to enter into a partnership for the assistance of a distinguished educator, as available;  
2. provide an approved list of supplemental educational service providers;  
3. provide additional school improvement funds, as available.

D. State's Responsibilities to Districts with Schools in School Improvement 4:

1. may provide a distinguished educator to academically unacceptable schools to assist in the development and design of the reconstitution plan, as available; and  
2. provide additional school improvement funds, as available.

E. State's Responsibilities to Districts with Schools in School Improvement 5:

1. SBESE shall approve or disapprove reconstitution plans for academically unacceptable schools. If the SBESE approves the reconstitution plan, a partnership may be offered to the district for the assistance of a DE to support and assist with monitoring the implementation of the reconstitution plan for schools that fail to make adequate growth;

2. SBESE shall approve or disapprove alternate governance plans for Title I schools;

3. SBESE shall approve or disapprove "Reconstitution Light" plans for schools failing to meet their growth targets;

4. provide additional school improvement funds, as available;

5. monitor the implementation of all SI 5 academically unacceptable schools' reconstitution plans.

F. State's Responsibilities to Districts with Schools in School Improvement 6:

1. monitor the implementation of all reconstitution/alternate governance plans;

2. provide additional school improvement funds, as available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 23. Reconstitution/Alternate Governance Plans**

**§2301. Schools Requiring Reconstitution/Alternate Governance Plans**

A. Districts shall develop and submit a reconstitution/alternate governance plans to the SBESE for approval by December 31st for the following types of schools.

1. Reconstitution Plan CAUS schools in SI 4 .  
2. "Reconstitution Light" Plan CNon-Title I schools in SI 5 for failing the subgroup component and schools in SI 5 for failing the SPS component (making their required growth).

3. Alternate Governance Plan CTitle I schools in SI 5 for failing the subgroup component and/or academically unacceptable schools in SI 6.

4. The reconstitution plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur, and how/why these proposed changes shall lead to improved student performance.

5. The alternate governance plan indicates how the district shall make significant changes in the school's staffing and governance, to improve student academic achievement in the school to be able to make adequate yearly progress.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 25. School Choice**

**§2501. Schools Requiring Choice**

A. An LEA must develop a school choice policy for schools that are:

1. academically unacceptable;  
2. on the academic watch list;  
3. Title I schools that:  
a. have failed the subgroup component for one year;  
b. in school improvement 2 or higher for subgroup component failure.

B. The SBESE shall approve or disapprove an LEA's School Choice Policy.

C. Beginning with the 2003-04 school year, an LEA shall notify parents of their school choice options not later than the first day of the school year for the schools that must offer choice.

1. An LEA must offer more than one choice to eligible students, if more than one school is eligible to receive students.

2. The LEA must take into account the parents' preferences among the choices offered, or the LEA may allow parents to make the final decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§2503. Student Eligibility**

A. An LEA must offer choice to all students in an eligible Title I school until the school is no longer identified for improvement, i.e., the school passes the subgroup component for two consecutive years and/or is no longer academically unacceptable EXCEPT:

1. if an eligible student exercises the option to transfer to another public school, an LEA must permit the student to remain in that school until he or she has completed the highest grade in the school. However, the LEA is no longer obligated to provide transportation for the student after the end of the school year in which the student's school of origin is no longer identified for school improvement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§2505. Transfer Options**

A. An LEA may consider health and safety factors in determining the transfer options. Should the LEA have concerns for health and safety factors, the LEA will need to find ways to provide choice consistent with their obligations to provide a healthy and safe learning environment.

B. An LEA that is subject to a desegregation plan is not exempt from offering students the option to transfer.

1. An LEA should first determine whether it is able to offer choice within the parameters of its desegregation plan.

2. If it is not able to do so, or if the desegregation plan forbids the LEA from offering the choice option, the LEA needs to seek court approval for amendments to the plan that permit a transfer option for students.

C. Students may not transfer to any school that is academically unacceptable or that has been identified for school improvement 2 or higher for subgroup component failure.

D. If there are no schools to which students can transfer, parents must be notified that their child's school is identified for school improvement and that the child is eligible for choice. The notification will further indicate that no choice options are currently available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§2507. School Choice Policy**

A. If the SBESE approves an LEA's School Choice Policy, the LEA must submit an annual status report to the SBESE regarding the implementation and progress of the district's school choice policy.

B. If the SBESE fails to approve an LEA's School Choice Plan, the implicated schools will lose their school approval status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

## **Chapter 27. Supplemental Educational Services**

### **§2701. Definition of Supplemental Services**

A. Supplemental educational services are defined by the United States Department of Education as "tutoring or extra

help provided to students in reading, language arts/English, and math. This extra help can be provided before or after school, on weekends, or in the summer." The No Child Left Behind Act states that these services must be of high quality, research-based, and specifically designed to increase the academic achievement of eligible children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§2703. Supplemental Service Providers**

A. Providers that meet the criteria specified by the Louisiana State Department of Education shall be included on the state-approved supplemental educational services provider list. The State Department of Education will post the list, beginning January 1, 2003. The provider list will be updated on a periodic basis, at least annually, as new providers are identified and meet the qualifications.

B. To be included on the approved list of supplemental educational service providers, applicants shall have met the following criteria:

1. be able to define a process for assessment that results in an individual instructional plan tied to content standards;

2. have a demonstrated level of effectiveness in increasing student academic achievement;

3. be capable of providing supplemental educational services that are of high-quality, research-based, and consistent with the instructional program of the local educational agency and the state's academic content standards;

4. provide instruction that is secular, neutral, and non-ideological;

5. be financially sound, use qualified staff, and possess the organizational capacity necessary to deliver the contracted services; and

6. meet all applicable federal, state, and local health, safety, and civil rights laws;

7. have a program accessible to students attending Title I schools in school improvement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§2705. State Educational Agency Role and Responsibilities**

A. The SDE shall identify providers, maintain a list of providers, and monitor services. Specifically, the SDE shall:

1. consult with parents, teachers, LEAs, and interested members of the public to identify a large number of supplemental educational service providers;

2. provide and disseminate broadly an annual notice to potential providers the process for obtaining approval to be a provider of supplemental educational services;

3. develop and apply objective criteria for approving potential providers;

4. maintain an updated list of approved providers;

5. develop, implement, and publicly report on techniques for monitoring the quality and effectiveness of services offered by approved supplemental services providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§2707. Local Educational Agency Role and Responsibilities**

A. Local educational agencies (LEAs) with schools in their second year of school improvement shall:

1. identify eligible students;
2. notify parents about the availability of services and the process for obtaining supplemental educational services for their child(ren) in an understandable and uniform format. This includes:
  - a. the identity of approved providers whose services are in the school district or within a reasonable proximity of the district;
3. help parents choose a provider, if such help is requested;
4. determine which students should receive services when all students cannot be served;
5. enter into an agreement with a provider selected by parents of an eligible student;
6. assist the State Educational Agency (SEA) in identifying potential providers within the LEA;
7. provide information to the SEA so that it can monitor the quality and effectiveness of the services offered by providers;
8. offer the opportunity for supplemental services until the school in question is no longer identified for school improvement according to the requirements of the No Child Left Behind Act. Further, the Board of Elementary and Secondary Education, for the purposes of supplemental educational services, defines "school year" as inclusive of the summer months and strongly encourages LEAs to offer services to eligible students during this timeframe;
9. protect the privacy rights of students who receive supplemental educational services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§2709. Optional LEA Responsibilities**

A. Assist the State Department of Education in identifying potential providers within the school district.

B. Determine which are the lowest-achieving students who can receive services, if the demand for services exceeds the available supply.

C. Provide information to the State Department of Education to assist with monitoring the quality and effectiveness of the services offered.

D. Provide transportation to eligible students. Although the Board of Elementary and Secondary Education is aware that LEAs are not required by law to provide such services, it strongly encourages LEAs to provide transportation to eligible students in order to maximize their access and opportunities to improve academic achievement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§2711. SES Agreement between Provider and LEA**

A. Each local education agency shall enter into an agreement with the SES provider selected by parents of eligible students. The agreements shall contain, at minimum:

1. a description of the research-based program to be utilized;
2. the location and amount of time of instructional service;
3. specific achievement goals;
4. a timetable for improving achievement;
5. methods for measuring and reporting progress;
6. how parents/guardians and teachers will be regularly informed of progress;
7. procedures the lea will use to pay the provider;
8. confidentiality of student identities;
9. conditions for termination of the agreement, including attendance regulations and requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 29. Progress Report**

**§2901. State Annual Reporting**

A. The SBESE shall report annually on the state's progress in reaching Louisiana's 2014 goal. The Louisiana Department of Education shall publish individual school reports to provide information on every school's performance. The school reports shall include the following information: school performance scores, percent proficient scores, and school progress in reaching growth targets. Beginning fall 2002, the LDE shall report subgroup performance to schools for the following subgroups: African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 31. Data Correction and Appeals/Waivers Procedure**

**§3101. Appeals/Waivers Process**

A. An appeal/waiver procedure has been authorized by the State Board of Elementary and Secondary Education (SBESE) and shall be used to address unforeseen and aberrant factors impacting schools in Louisiana.

B. Districts may address data errors that were not addressed during the data clean-up period by submitting a data correction request letter (signed by the district superintendent) by August 1st of each year. The LDE shall review data correction requests and make decisions regarding the requests by September 1st. The LDE shall notify LEAs of its decision and/or actions regarding the request by October 1st. All data corrections approved by LDE shall be completed for the fall final accountability results release each fall.

C. The LDE shall review appeal/waiver requests and make recommendations to the SBESE within 60 days, beginning the last day of the appeals/waiver filing period.

Within this interval, the LDE shall notify LEAs of its recommendations and allow them to respond in writing. The LDE's recommendations and LEA responses will be forwarded to SBESE for final disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§3103. Definitions**

**Appeal**—A request for the calculation or recalculation of the School Performance Score (SPS), growth target, and/or subgroup component scores.

**Waiver**—A temporary "withholding" of accountability decisions for no more than one accountability year. Waivers shall be denied to aggrieved parties attempting to subvert the intent of provisions outlined in the state statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§3105. General Guidelines—Parent/School-Level Requests**

A. Parents or individual schools seeking an appeal or waiver on issues relating to Louisiana's District and School Accountability System shall file their requests, regardless of the type, through the superintendent, or appointed representative as authorized by the local governing board of education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§3107. General Guidelines—Local Board of Education-Level Requests**

A. The Superintendent or official representative of each local governing board of education shall complete the LDE's Appeals/Waivers Request Form and provide supporting documentation to the Division of School Standards, Accountability, and Assistance no later than 30 calendar days after the official release of the final accountability results in the fall of each year.

B. Data corrections shall be grounds for an appeal or waiver request when (a) evidence attributes data errors to the LDE and/or those contractors used for the student assessment program, and/or (b) evidence attributes errors to the LEA and corrections result in a change in rewards or school improvement status. Requests concerning either the inclusion or exclusion of special education student scores in the calculations of a school's SPS and growth target, except as outlined in *Bulletin III*, shall not be considered by the LDE.

C. Supporting documentation for appeal/waiver requests should clearly outline those data that are erroneous. Further, computations by the local boards of education should provide evidence that the school's SPS and/or subgroup component results are significantly affected by the data in question and that corrections impact rewards, or school improvement status. The local school system shall be responsible for supplying the LDE with information necessary for recalculating the school's SPS and/or subgroup component results per LDE's instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§3109. Criteria for Appeal**

A. LEA superintendents shall notify the LDE in writing of any changes to existing school configurations, changes to option status for alternative schools or pair/share status during the LDE accountability status verification process prior to the calculation of the school performance scores and subgroup component scores. Fall appeal recalculations shall be made using the information provided to the LDE in the following instances:

1. the student population in a school significantly increases by greater than or equal to 10 percent as a result of students transferring into the school from outside of the district;

2. an alternative school changes its option status by meeting the eligibility requirements;

3. a school's (inclusive of those paired or shared) enrollment has significantly changed by 50 percent or more from the previous academic year as a result of redistricting by the local governing board of education.

B. The LDE shall provide a report to the SBESE of all configuration, pair/share, or alternative option status changes.

C. If an LEA does not submit changes to school status to the LDE during the accountability status verification process, the LEA may petition the SBESE during the Appeals timeframe, after the SPS release. LEAs may petition the SBESE in instances not addressed by policy or in instances when the policy is unclear.

D. An LEA shall inform the LDE during the accountability status verification process of schools within the district that have been closed. An appeal shall be filed by the LEA in order to receive monetary rewards for any eligible closed school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **§3111. Criteria for Waiver**

A. The recalculated SPS baseline of a school changes by 2.5 points (+/-2.5) as a result of a significant change of 10 percent or more in the student population because of students transferring into the school from outside of the district.

B. Factors beyond the reasonable control of the local governing board of education and also beyond the reasonable control of the school exist.

C. A school lacks the statistically significant number of testing units for the CRT and NRT necessary to calculate the SPS and has no systematic "feeding" pattern into another school by which data could be "shared" because the school is

1. a lab school;
2. a Type 1, 2, or 3 charter school;
3. operated by the Department of Corrections; or
4. beyond the sovereign borders of Louisiana;
5. an SSD #1 or #2 school;
6. a SBESE school;
7. non-diploma bound school.

D. The student body of the school (Pre-K through K-2) comprised of primarily Pre-K and K students (greater than 50 percent of the total student membership) and has no

systematic "feeding" pattern into another school or schools by which it could be "paired."

1. *Feeding pattern* The plan used by local governing boards of education to transfer students from one school to another for educational services as a result of pupil progression into higher grades.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **Chapter 33. New Schools and/or Significantly Reconfigured Schools**

#### **§3301. Inclusion of New Schools**

A. For a newly formed school, the school district shall register the new school with the Louisiana Department of Education to have a site code assigned to that school. A new school shall not be created nor shall a new site code be issued in order to allow a school to avoid an accountability decision or prevent a school from entering the accountability system. Before a new school is created, the local education agency must work with the Louisiana Department of Education to explore ways the new school can be included in the accountability system.

B. When two or more schools are created from an existing school (e.g., grades 4-6 "split" from an existing K-6 structure, creating a K-3 school and a 4-6 school), the existing site code stays with the school that contributed most to the original SPS (as determined by the LDE), and the "new" school shall receive a new site code.

C. New schools with one year of test data shall be included in accountability. For attendance and dropout data, LEA's will have the option of using (a) the district average for schools in the same category as the new school or (b) data from the prior year, if whole grade levels from an existing school or schools moved to the new school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§3303. Reconfigured Schools**

A. A reconfigured school shall retain its rewards and/or school improvement status if 50 percent or more of the students remain at the school.

B. A reconfigured school shall transfer its rewards and/or school improvement status if more than 50 percent of the students transfer to another school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

### **Chapter 35. Inclusion of Alternative Education Students**

#### **§3501. Option Choices**

A. Each superintendent, in conjunction with the alternative school director, shall choose from one of two options for including alternative education students in the Louisiana Accountability System for the system's alternative education schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§3503. Option I**

A. The score for every alternative education student at a given alternative school shall be returned to ("sent back") and included in the home-based school's accountability calculations for both the SPS and subgroup components. The alternative school itself shall receive a "diagnostic" SPS, not to be used for rewards or corrective actions, if a statistically valid number of students were enrolled in the school at the time of testing.

B. Students included in the GED/Skills Option program will be included in school accountability. They will be required to take the 9th grade Iowa Test or participate in LEAP Alternate Assessment (LAA) while enrolled. All programs will be considered Option I for alternative education purposes, and student data will be sent back to the sending high schools for attendance, dropout, and Iowa Test scores for the purposes of the accountability system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§3505. Option II**

A. The score for every alternative education student shall remain at the alternative school. The alternative school shall be given its own accountability results, including an SPS and growth target, and subgroup performance data which makes the alternative school eligible for rewards and school improvement.

B. In order to be eligible for Option II, an alternative school shall meet all of the following requirements:

1. the alternative school must have its own site code and operate as a school;

2. the alternative school must have a required minimum number of students in the tested grade levels; the definition of required minimum is stated in §519; and at least 50 percent of the total school population must have been enrolled in the school for the entire school year, October 1 - May 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

#### **§3507. Option Considerations**

A. Once an option is selected for an alternative school, it shall remain in that option for at least 10 years. An appeal to the SBESE may be made to change the option status prior to the end of 10 years if a school's purpose and/or student eligibility changes.

B. All students pursuing a regular high school diploma, working in curricula developed from Louisiana Content Standards, shall be included in the state-testing program, with those scores included in an SPS, and scores from CRT assessments included in the subgroup component.

1. Information on these students (e.g., number receiving a GED) shall be reported in the school's report card as a sub-report.

C. An alternative school in school improvement 3 or higher may request some flexibility in obtaining assistance from either a Distinguished Educator (DE) or a team designed to address the special needs of the alternative school population, as long as the total costs of the team do not exceed that for the DE. Sample team members could

include the following social workers, psychologists, educational diagnosticians, and counselors, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 37. Inclusion of Lab Schools and Charter Schools**

**§3701. Special Consideration of Lab and Charter Schools**

A. Such schools shall be included in the Louisiana Accountability System following the same rules that apply to traditional and/or alternative schools. The only exceptions are lab schools and Type 1, 2, and 3 charter schools that are independent schools and cannot be paired or shared with another school if they do not have at least one CRT and one NRT grade level, and/or if there is no home-based district school to which a given student's scores can be returned if all three conditions for Option II cannot be met. Therefore, if they do not have the required grade levels and/or required minimum number of students, such schools cannot receive an SPS. However, if they meet the requirements for accountability under the subgroup component, these analyses will be conducted, and school improvement and rewards decisions will be based on these results. If neither the SPS or subgroup component can be applied, the state shall publish the results from pre- and post-test student achievement results, as well as other relevant accountability data, as part of that school's report card and will include the results of these students in the aggregate state accountability report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 39. Inclusion of Students with Disabilities**

**§3901. Assessment of Students with Disabilities**

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the CRT, NRT, and LAA shall be included in the calculation of the SPS. Most students with disabilities shall take the CRT and the NRT with accommodations, if required by their Individualized Education Program (IEP). Only students with significant cognitive disabilities are eligible to participate in LEAP Alternate Assessment (LAA) as defined by the LEAP alternate assessment participation criteria. Beginning with the spring 2004 statewide assessment, LAA-B shall be eliminated from the Louisiana Education Assessment Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§3903. LEAP Alternate Assessment Participation Criteria**

A. A student participating in LEAP alternate assessment shall progress toward a certificate of achievement.

B. To be eligible for participation in LEAP Alternate assessment, the student shall:

1. have a current multidisciplinary evaluation of the following exceptionalities:
  - a. moderate mental disability;

- b. severe mental disability;
- c. profound mental disability; or
- d. have a current multidisciplinary evaluation of the following exceptionalities AND have an assessed level of intellectual functioning and adaptive behavior three or more standard deviations below the mean:
  - i. multiple disabilities;
  - ii. traumatic brain injury;
  - iii. autism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§3905. Inclusion of Alternate Assessment Results**

A. LAA and LAA-B test scores shall be included in the 2002-2003 Baseline SPS.

B. LAA scores shall be converted according to the following scale.

LAA Score	Level	CRT/NRT Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

1. Students taking alternate assessments shall be included in accountability calculations at the grade level in which they are enrolled in the Student Information System (SIS).

2. Students taking LAA who do not meet the alternate assessment participation criteria shall receive a score of zero in SPS component calculations and a score of non-proficient in subgroup component calculations.

3. Students taking LAA-B shall receive a score of zero in the Baseline SPS and a score of non-proficient in subgroup component calculations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 41. Data Collection and Data Verification**

**§4101. Valid Data Considerations**

A. An Unusual Data Result (UDR) shall be defined as any CRT, NRT, attendance, or dropout data that exceeds a parameter or a range of parameters, which shall be determined by the LDE and approved by the SBESE. Irregular data shall be defined as any data, which appears to contradict results, which are otherwise expected; unrealistic information; or data generated as a result of defective data collection or processing.

B. A test score shall be entered for all eligible students within a given school. For any eligible student who does not take the test, including those who are absent, a score of "0" on the CRT and NRT shall be calculated in the school's SPS. To assist a school in dealing with absent students, the Louisiana Department of Education shall provide an extended testing period for test administration. The only exception to this policy is a student who was sick during the test and re-testing periods and who has formal medical documentation for that period.

C. The districts and the LDE shall evaluate any instance of irregular or unusual data in the following respects.

D. For attendance and dropout data:

1. the LDE shall identify a statistically valid sample of all schools included in the accountability system. All schools included in this sample shall be audited;

2. additionally, the LDE shall audit all schools included in the accountability system that have an irregular or Unusual Data Result (UDR), as defined above. The LDE may have an outside team conduct the audit;

3. the findings of the audit shall be reported to the SBESE, the local district, and the local school. If the audit findings cannot be resolved, the State Superintendent of Education shall recommend to the SBESE, who shall approve the appropriate data to be used in the calculation of the school performance score.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4103. NRT and CRT Data**

A. For NRT and CRT data:

1. if there is evidence of an irregular or UDR, the LEA shall be required to investigate using a process as determined by the LDE and approved by the SBESE. The LEA shall report the results of its investigation to the State Superintendent of Education;

2. if the State Superintendent of Education determines that the results of the investigation do not sufficiently explain the data, s/he shall designate a team to visit the school and conduct its own investigation;

3. if the gains are validated by the visit, the school will be designated a "pacesetter" school. If the gains cannot be validated, the State Superintendent of Education may initiate further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4105. Reported Irregularities**

A. The LDE will determine and the SBESE shall approve a process for the public to report possible Irregularities.

B. Anonymous complaints may be investigated.

C. All signed complaints shall be investigated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**Chapter 43. District Accountability**

**§4301. Inclusion of All Districts**

A. Every school district shall participate in a district accountability system based on the performance of schools as approved by the Louisiana State Board of Elementary and Secondary Education (SBESE).

B. Indicators for district accountability.

C. There shall be two statistics reported for each school district for district accountability:

- 1. a District Performance Score (DPS); and
- 2. a District Responsibility Index (DRI).

D. District Performance Score (DPS). A District Performance Score (DPS) shall be the average of School Performance Scores (SPS) of all schools in a district. The DPS shall be reported as a numeric value.

E. District Responsibility Index (DRI). A District Responsibility Index (DRI) shall be the weighted average of

four indicators<sup>1</sup> with each indicator to be expressed as an index. A score of 100 = good and a score of 150 = excellent.

F. The DRI indicators:

- 1. summer school;
- 2. the change in SPS for all schools relative to growth targets;
- 3. the change in LEAP 21 first-time passing rate from one year to the next; and
- 4. certified teachers.

<sup>1</sup>Indicators for school finance and graduation rate of high school students may be considered in the calculation of the district responsibility index at a later date.

Indicators and Weights	
Indicator	Weighting
1. Summer School.	30% (Part A 15% + Part B 15%)
2. The change in SPS for all schools relative to growth targets.	25%
3. The change in LEAP 21 first-time passing rate from one year to the next.	25% (Part A 12.5% + Part B 12.5%)
4. Certified Teachers	20% (Part A 15% + Part B 5%)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4303. Indicator 1 Summer School**

A. The Louisiana Department of Education shall use two statistics when calculating an index score for summer school.

1. Part A The percentage passing summer LEAP 21 tests.

a. The Louisiana Department of Education shall calculate the percentage passing summer LEAP 21 tests by using the number of students who scored unsatisfactory in the previous spring as the denominator. The scores of first-time students shall be included (i.e., not students who are repeating the grade because of a score of unsatisfactory in the previous year). This statistic shall include grades 4 and 8 and shall be weighted by the number of students failing each test in the previous spring. English language arts (ELA) and mathematics shall be counted separately. The numerator and denominator shall be the sum of counts in grade 4 ELA and mathematics plus grade 8 ELA and mathematics. Students' summer school results shall be attributed to the district in which they took the summer test.

b. Formula for converting Part A to an index  $2.5 * (\text{percent passing} + 5)$ . Implications of index for Part A:

- i. 35 percent passing of summer tests shall yield an index of 100;
- ii. 55 percent passing of summer tests shall yield an index of 150.

2. Part B The change in scale scores on LEAP 21 from spring to summer for scores that are unsatisfactory in the spring.

a. The Louisiana Department of Education shall use the mean change in scale scores on LEAP 21 from the spring to the summer administration, for all scores that were unsatisfactory in the spring administration. The scores of first-time students shall be included (i.e. not students who are repeating the grade because of a score of unsatisfactory in the previous year). If a student is tested in the spring but

not in the summer, the change for that student's score shall be "0." If a student is tested in the summer but not in the spring, the spring score shall be assumed to be the 10th percentile of students tested in the spring. Four averages shall be computed for each district- ELA and mathematics for both 4th and 8th grades. The district score shall be the weighted average of the four results. Students' summer school results shall be attributed to the district in which they took the summer test.

b. Formula for converting Part B to an index  $C_5^*$  (average scale score gain). Implications of index Part B:

- i. a scale score gain of 20 points shall yield an index of 100;
- ii. a scale score gain of 30 points shall yield an index of 150.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4305. Indicator 2C The Change in SPS for All Schools Relative to Growth Targets**

A. The Louisiana Department of Education shall compute the change in School Performance Scores (SPSs) for all schools in the district. The relative change in SPSs for all schools shall be the weighted sum of gains (weighted by the school's enrollment) divided by the weighted sum of growth targets.

B. Formula for converting to an index  $C_{100}^*$  (the relative change in SPS). Implications of index:

1. all schools meeting their growth targets shall yield an index of 100;
2. all schools achieving 1.5 times their growth targets shall yield an index of 150.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4307. Indicator 3C The Change in LEAP 21 First-Time Passing Rate from One Year to the Next**

A. The Louisiana Department of Education shall calculate the simple average of two statistics when calculating an index score for the change in LEAP 21 first-time passing rate from one year to the next. The scores of first-time test-takers shall be used for each statistic.

B. Part A Percent Passing

1. Formula for converting Part A to an index  $C_{3.333}^*$  (percent passing – 50).
2. Implications of index for Part A:
  - a. an 80 percent pass rate shall yield an index of 100;
  - b. a 95 percent pass rate shall yield an index of 150.

C. Part B Improvement in Percentage Passing

1. Formula for converting Part B to an index  $C_{25}^*$  (change in passing rate + 2).
2. Implications of index for Part B:
  - a. a two percent increase yields an index of 100;
  - b. a four percent increase yields an index of 150.
3. The results of Part B shall be limited to a minimum value of "0" and a maximum of "200."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4309. Indicator 4C Certified Teachers**

A. For the purpose of district accountability, the Louisiana Department of Education shall define certified teachers as those who hold an A, B, or C certificate or who have been certified in accordance with the 12-hour rule and whose certification includes 100 percent of the classes they teach. The Louisiana Department of Education shall use two statistics when calculating an index score for certified teachers.

B. Part A The percentage of certified teachers in schools below the state average<sup>1</sup> The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of teachers in the district that are certified divided by the number of teachers in the district. If no schools in the district are scoring below the state average, Part A of this indicator shall not apply and the total weight of this indicator shall be applied to Part B.

1. Formula for converting Part A to an index  $C_5^*$  (percent certified – 70).

2. Implications of index for Part A:

- a. 90 percent of teachers certified shall yield an index of 100;
- b. 100 percent of teachers certified shall yield an index of 150.

C. Part B The percentage of certified teachers in the district. The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of teachers in the district that are certified divided by the number of teachers in the district.

1. Formula for converting Part A to an index  $C_5^*$  (percent certified – 70)

2. Implications of index for Part A:

- a. 90 percent of teachers certified shall yield an index of 100;
- b. 100 percent of teachers certified shall yield an index of 150.

<sup>1</sup>The Louisiana Department of Education calculates two state averages: a state average for K-8 schools and a state average for 9-12 and combination schools. Combination schools are schools that contain 10<sup>th</sup> and/or 11<sup>th</sup> grade and a 4<sup>th</sup> and/or 8<sup>th</sup> grade (i.e., a school with grades 7-12).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4311. Performance Labels**

A. A district shall not receive a label for its district performance score. A label shall be reported for the District Responsibility Index (DRI) and for each of the four indicators.

District Responsibility Index	Label
120.0 or more	Excellent
100.0 – 119.9	Very Good
80.0 – 99.9	Good
60.0 – 79.9	Poor
0.0 – 59.9	Unsatisfactory

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:



**§4313. Corrective Actions**

A. The Louisiana Department of Education shall report district scores and labels on every school district. Consequences imposed on a district shall be based on its District Responsibility Index (DRI). Any district receiving a performance label of unsatisfactory for its DRI shall become subject to an operational audit. If a district scores unsatisfactory again within two years, the SBESE shall have the authority to act on the audit findings, including the withholding of funds to which the district might otherwise be entitled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

**§4315. Progress Report**

A. The Louisiana Department of Education shall publish a district accountability report. The report shall contain the labels for the DRI and for each of the four indicators. The report shall also contain the percent poverty, poverty ranking, and percentage of students enrolled in public education for the district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 111 The Louisiana School, District, and State Accountability System**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed changes extract accountability policy from Bulletin 741. This new Bulletin 111 adjusts existing policy and adds new components to comply with federal guidance. Monetary rewards for academic success are currently distributed to districts/schools every two years. The proposed Rule change calls for rewards on an annual basis. If the legislature chooses to reward at the same rate and if schools continue to improve at the same rate, then expenditures will double from \$5,000,000 in the spring of even numbered years to \$5,000,000 every spring. There is \$5,000,000 budgeted for rewards in the current year.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections by state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#018

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 741 Louisiana Handbook for School Administrators High School Program of Studies (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement amendments to *Bulletin 741 Louisiana Handbook for School Administrators*, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The proposed changes of the Career and Technical course offerings will revise current course offerings, bringing them in-line with current industry standards. The action is being proposed to up-date Career and Technical course offerings. In updating these courses offerings our Career and Technical program of studies will be more aligned with national standards.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter A. Bulletins and Regulations**

**§901. School Approval Standards and Regulations**

A. Bulletin 741

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269-271 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:

**Agriculture Education**

**§2.105.25.** Agriculture Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Agriscience	7-8	-
Agribusiness	11-12	1/2
Agricultural Education Elective (1/2 Credit)	9-12	1/2
Agricultural Education Elective (1 Credit)	9-12	1
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1
Agriscience IV	12	1
Agriscience III Laboratory	11-12	1
Agriscience IV Laboratory	12	1

Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	1/2
Agriscience-Welding Systems I	11-12	1/2
Agriscience-Welding Systems II	12	1/2
Animal Systems	11-12	1/2
Aquaculture	11-12	1/2
Biotechnology	11-12	1
Cooperative Agriscience		
Education I	11-12	3
Cooperative Agriscience		
Education II	12	3
Crop Systems	11-12	1/2
Environmental Applications	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
<b>Industry Based Certifications</b>		
ABC Carpentry in Agriscience (1 Credit)	11-12	1
ABC Carpentry in Agriscience (2 Credits)	11-12	2
ABC Carpentry in Agriscience (3 Credits)	11-12	3
ABC Electricity in Agriscience (1 Credit)	11-12	1
ABC Electricity in Agriscience (2 Credits)	11-12	2
ABC Electricity in Agriscience (3 Credits)	11-12	3
ABC Pipefitting in Agriscience (1 Credit)	11-12	1
ABC Pipefitting in Agriscience (2 Credits)	11-12	2
ABC Pipefitting In Agriscience (3 Credits)	11-12	3
ABC Welding in Agriscience (1 Credit)	11-12	1
ABC Welding in Agriscience (2 Credits)	11-12	2

Agriscience III and IV Laboratory, Agriscience Internship I and II, and Cooperative Agriscience Education I and II are offered only to students who are also enrolled in Agriscience III or Agriscience IV for two consecutive semester courses during the year.

Required prerequisites are outlined in the Agricultural Education Section of *Career and Technical Education Course Descriptions & Programs of Study*. All courses shall be taught in sequence. Level I courses are prerequisite to Level II courses. Agriscience I is prerequisite to Animal Systems, Aquaculture, Crop Systems, Equine Science, Food and Fiber, Forestry, and Agriscience-Welding Systems I. Agriscience I and Biology I are prerequisites to Biotechnology. Agriscience I and/or enrolled simultaneously in Biology I are prerequisites to Environmental Application. Agriscience I or Biology I is prerequisite to Horticulture I. Agriscience II is prerequisite to Agriscience-Construction and Precision Agriculture. Agribusiness is prerequisite to Agriscience-Entrepreneurship.

Semester courses are designed to be offered in the place of, or in addition to Agriscience III and/or IV.

Safety must be taught in all courses. Refer to *Bulletin 1674* for safety information.

## Business Education

**§2.105.26.** Business Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Keyboarding 6th, 7th, and 8th	6-8	--
Accounting I	10-12	1
Accounting II	11-12	1
Administrative Support Occupations	11-12	1
Business Communications	10-12	1
Business Computer Applications	10-12	1
Business Education Elective I (1/2 Credit)	9-12	1/2
Business Education Elective I (1Credit)	9-12	1
Business Education Elective II (1/2 Credit)	9-12	1/2
Business Education Elective II (1Credit)	9-12	1
Business English	12	1
Business Internship I	11-12	2
Business Internship II	12	2
Business Law	11-12	1/2
Computer Multimedia Presentations	11-12	1/2
Cooperative Office Education (COE)	12	3
Desktop Publishing	11-12	1
Economics	11-12	1
Entrepreneurship	11-12	1
Financial Math	9-12	1
Introduction to Business Computer Applications	9-12	1
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Lodging Management I (1 Credit)	10-12	1
Lodging Management I (2 Credits)	10-12	2
Lodging Management I (3 Credits)	10-12	3
Lodging Management II (1 Credit)	11-12	1
Lodging Management II (2 Credits)	11-12	2
Lodging Management II (3 Credits)	11-12	3
Principles of Business	9-12	1
Telecommunications	10-12	1/2
Web Design	10-12	1/2
Word Processing	11-12	1

Keyboarding and Keyboarding Applications or Introduction to Business Computer Applications shall be a prerequisite to Administrative Support Occupations, Business Computer Applications, Business Communications, Business English, Computer Multimedia Presentations, Telecommunications and Word Processing. Word Processing or Business Computer Applications is prerequisite to Desktop Publishing. Level I courses shall be prerequisite to Level II courses.

Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding/Keyboarding Applications or Introduction to Business Computer Applications and one of the following: ASO or Word Processing or BCA, and have maintained an overall "C" average. The students' attendance records should also be considered. Other prerequisites may be required by the individual school system.

English I, II, and III are prerequisites to Business English. BCA or Word Processing is prerequisite to Computer Multimedia Presentations. A basic computer course shall be prerequisite to Telecommunications. To enroll in Web Design, the student must have completed one or more of the following: Desktop Publishing, Business Computer Applications, Computer Science, Computer Multimedia or Telecommunications.

### General Cooperative Education

§2.105.27. General cooperative education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3

General Cooperative Education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

### Marketing Education

§2.105.32. Marketing education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Advertising and Sales Promotion	11-12	1
Cooperative Marketing Education I	11-12	3
Cooperative Marketing Education II	12	3
Entrepreneurship	11-12	1
Marketing Education Elective I (1/2 Credit)	9-12	1/2
Marketing Education Elective I (1Credit)	9-12	1
Marketing Education Elective II (1/2 Credit)	9-12	1/2
Marketing Education Elective II (1Credit)	9-12	1
Marketing Internship I	11-12	2
Marketing Internship II	12	2
Marketing Management	11-12	1
Marketing Research	11-12	1
Principles of Marketing I	9-12	1
Principles of Marketing II	10-12	1
Retail Marketing	11-12	1
Tourism Marketing	11-12	1

Keyboarding or Introduction to Business Computer Applications or being enrolled in Keyboarding or Introduction to Business Computer Applications simultaneously is a prerequisite for Advertising and Sales Promotion, Entrepreneurship, Research Marketing and Tourism Marketing. Principles of Marketing I and II and another advanced Marketing class is a prerequisite for Marketing Management. English I and II are prerequisites for Marketing Research. Principles of Marketing or one other marketing course is a prerequisite for Cooperative Marketing Education I.

### Health Occupations

§2.105.28. Health Occupations course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
AHEC of a Summer Career Exploration	9-12	1/2
Allied Health Services I	10-12	1 or 2
Allied Health Services II	11-12	1 or 2
Cooperative Health Occupations	11-12	3
Dental Assistant I	10-12	1 or 2
Dental Assistant II	11-12	2 or 3
Emergency Medical Technician Basic	10-12	2
First Responder	9-12	1/2, 1 or 2
Health Occupations Elective	9-12	1/2 or 1
Health Occupations Internship I	11-12	2
Health Occupations Internship II	12	2
Health Science I	11-12	1 or 2
Health Science II	12	1 or 2
Introduction to Emergency Medical Technology	10-12	2
Introduction to Health Occupations I	9-12	1
Introduction to Pharmacy Assistant	10-12	1 or 2
Medical Assistant I	10-12	1 or 2

Medical Assistant II	11-12	1 or 2
Medical Assistant III	12	1 or 2
Medical Terminology	9-12	1
Nursing Assistant I	10-12	1 or 2
Nursing Assistant II	11-12	1 or 2

Level I courses shall be prerequisite to Level II courses. Introduction to Health Careers and/or Medical Terminology shall be a recommended prerequisite to Allied Health Services I, Introduction to Emergency Medical Technology, Introduction to Pharmacy Assistant, Medical Assistance I and Nursing Assistant I.

Health Occupations Internship and Cooperative Health Occupations students shall have successfully completed a minimum of two Health Occupations courses.

Introduction to Health Careers and Biology I are recommended prerequisite to Health Science I.

Medical Assistant III shall be limited to seniors. The students shall have successfully completed Medical Assistant II.

### Family and Consumer Sciences Education

§2.105.29. Family and consumer sciences education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Family and Consumer Sciences	7-8	--
Family and Consumer Sciences I	9-12	1
Family and Consumer Sciences II	10-12	1
Food Science	9-12	1
Adult Responsibilities	11-12	1/2
Child Development	10-12	1/2
Clothing and Textiles	10-12	1/2
Personal and Family Finance	10-12	1/2
Family Life Education	10-12	1/2
Housing and Interior Design	10-12	1/2
Nutrition and Food	10-12	1/2
Parenthood Education	10-12	1/2
Advanced Child Development*	10-12	1/2
Advanced Clothing and Textiles*	10-12	1/2
Advanced Nutrition and Food*	10-12	1/2
Family and Consumer Sciences Elective I	9-12	1/2
Family and Consumer Sciences Elective I	9-12	1
Family and Consumer Sciences Elective II	9-12	1/2
Family and Consumer Sciences Elective II	9-12	1

\*The related beginning semester course is prerequisite to the advanced semester course.

### Family and Consumer Sciences Education (FCCLA)

§2.105.30. Course offerings for family and consumer sciences-related occupations shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Clothing and Textile Occupations I	11-12	1
Clothing and Textile Occupations I	11-12	2
Clothing and Textile Occupations I	11-12	3
Clothing and Textile Occupations I	11-12	1
Clothing and Textile Occupations I	11-12	2
Clothing and Textile Occupations I	11-12	3
Early Childhood Education I	11-12	1
Early Childhood Education I	11-12	2
Early Childhood Education I	11-12	3
Early Childhood Education II	11-12	1
Early Childhood Education II	11-12	2
Early Childhood Education II	11-12	3
Family and Consumer Sciences		

Internship I**	11-12	2
Family and Consumer Sciences Internship II	12	2
Food Services I	10-12	1
Food Services I	10-12	2
Food Services I	10-12	3
Food Services II	10-12	1
Food Services II	10-12	2
Food Services II	10-12	3
Food Service Technician	11-12	1
Housing and Interior Design Occupations	11-12	1
Housing and Interior Design Occupations	11-12	2
Housing and Interior Design Occupations	11-12	3
ProStart I	11-12	1
ProStart I	11-12	2
ProStart I	11-12	3
ProStart II	11-12	1
ProStart II	11-12	2
ProStart II	11-12	3
Cooperative Family and Consumer Sciences Education**		3

\*\*Family and consumer sciences cooperative education shall be limited to seniors who meet one or more of the following prerequisites: (1) one unit in a service course; (2) two specialized semester courses in the same area; or (3) one specialized semester course and the teacher-coordinator's consent. Job placement shall be in the same area of training as the prerequisite.

### Technology Education

**2.105.31.** Technology Education course (formerly industrial arts) offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Communication/Middle School	6-8	-
Construction/Middle School	6-8	-
Manufacturing Technology/Middle School	6-8	-
Modular Technology/Middle School	6-8	-
Transportation Technology/Middle School	6-8	-
Advanced Electricity/Electronics	10-12	1
Advanced Metal Technology	10-12	1
Advanced Technical Drafting	10-12	1
Advanced Wood Technology	10-12	1
Architectural Drafting	10-12	1
Basic Electricity/Electronics	9-12	1
Basic Metal Technology	9-12	1
Basic Technical Drafting	9-12	1
Basic Wood Technology	9-12	1
Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	10-12	3
Energy, Power, and Transportation Technology	9-12	1
General Technology Education	9-12	1
Manufacturing Technology	9-12	1
Materials and Processes	10-12	1
Physics of Technology I	10-12	1
Physics of Technology II	11-12	1
Power Mechanics	9-12	1
Technology Education Computer Applications	9-12	1
Technology Education Elective I (½ credit)	9-12	½
Technology Education Elective I (1 credit)	9-12	1
Technology Education Elective II (½ credit)	9-12	½
Technology Education Elective II (1 credit)	9-12	1
Technology Education Internship I	11-12	2
Technology Education Internship II	12	2
Welding Technology	10-12	1

Industry Based Certification Courses		
Process Technician I	11-12	1
Process Technician II	11-12	1
ABC Carpentry I TE (1 credit)	11-12	1
ABC Carpentry I TE (2 credits)	11-12	1
ABC Carpentry I TE (3 credits)	11-12	1
ABC Carpentry II TE (1 credit)	11-12	1
ABC Carpentry II TE (2 credits)	11-12	1
ABC Carpentry II TE (3 credits)	11-12	1
ABC Electrical I TE (1 credit)	11-12	1
ABC Electrical I TE (2 credits)	11-12	1
ABC Electrical I TE (3 credits)	11-12	1
ABC Electrical II TE (1 credit)	11-12	1
ABC Electrical II TE (2 credits)	11-12	1
ABC Electrical II TE (3 credits)	11-12	1
ABC Instrumentation Control Mechanic I (1 credit)	11-12	1
ABC Instrumentation Control Mechanic I (2 credits)	11-12	1
ABC Instrumentation Control Mechanic I (3 credits)	11-12	1
ABC Instrumentation Control Mechanic II (1 credit)	11-12	1
ABC Instrumentation Control Mechanic II (2 credits)	11-12	1
ABC Instrumentation Control Mechanic II (3 credits)	11-12	1
ABC Pipe Fitter I TE (1 credits)	11-12	1
ABC Pipe Fitter I TE (2 credits)	11-12	1
ABC Pipe Fitter I TE (3 credits)	11-12	1
ABC Pipe Fitter II TE (1 credit)	11-12	1
ABC Pipe Fitter II TE (2 credits)	11-12	1
ABC Pipe Fitter II TE (3 credits)	11-12	1
ABC Welding Technology I TE (1 credit)	11-12	1
ABC Welding Technology I TE (2 credits)	11-12	1
ABC Welding Technology I TE (3 credits)	11-12	1
ABC Welding Technology II TE (1 credit)	11-12	1
ABC Welding Technology II TE (2 credits)	11-12	1
ABC Welding Technology II TE (3 credits)	11-12	1

**NOTE:** Technology education courses must follow the sequences as outlined in the Technology Education section of the *Career and Technical Education Course Descriptions and Programs of Study*.

**All courses shall be taught in sequence:** Level I courses are prerequisite to Level II courses; Basic Technical Drafting is prerequisite to Architectural Drafting; and Technology Education Internship I and II require completion of two courses in the Technology Education program of study area.

Safety must be taught in all courses. Refer to *Bulletin 1674* for safety information.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741 Louisiana Handbook For  
School Administrators High School Program of Studies**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
 

The proposed revision will change Career and Technical course offerings. It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units. The LEA may choose to offer new courses to students that may require purchasing items such as new textbooks, instructional materials or equipment. Each LEA will make their determination.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

There will be no effect on revenue collections by state/local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
 

The proposed changes are being requested to bring current Career and Technical course offerings in-line with industry demands. In aligning our course offerings with national standards, it will strengthen the link between secondary and postsecondary institutions. It will assist Career and Technical students in attaining vocational skills for the workplace.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 

Employers could have a larger, trained qualified pool from which to select employees.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0308#097

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 741 Louisiana Handbook for School Administrators Policy for Louisiana's Public Education Accountability System (LAC 28:I.901)

Editor's Note: Louisiana's revised accountability policy shall now be contained in *Bulletin 111 The Louisiana School, District, and State Accountability System*, and is printed in codified format as Title 28, Part LXXXIII of the Louisiana Administrative Code. See the Notice of Intent adopting *Bulletin 111 The Louisiana School, District, and State Accountability System* located in this issue of the *Louisiana Register*.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 741 The Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The proposed

changes repeal the "Policy for Louisiana's Public Education Accountability System" from *Bulletin 741 The Louisiana Handbook for School Administrators*. Louisiana's revised accountability policy shall now be contained in *Bulletin 111 The Louisiana School, District, and State Accountability System*. Bulletin 111 shall be printed in codified format as Part LXXXIII of the Louisiana Administrative Code.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§901. School Approval Standards and Regulations**

A. Bulletin 741

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended, LR 28:269 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:

**The Louisiana School and District  
Accountability System**

1.007.00	District Accountability	Repealed.
1.007.01	Indicators for District Accountability	Repealed.
1.007.02	Performance Labels	Repealed.
1.007.03	Corrective Actions	Repealed.
1.007.04	Progress Report	Repealed.
2.006.00	School Accountability	Repealed.
2.006.01	Indicators for School Performance Scores	Repealed.
2.006.02	Louisiana's 10- and 20-Year Education Goals [K-8 and 9-12]	Repealed.
2.006.03	School Performance Scores	Repealed.
2.006.04	Data Collection and Data Verification	Repealed.
2.006.05	Growth Targets	Repealed.
2.006.06	Growth Labels	Repealed.
2.006.07	Performance Labels	Repealed.
2.006.08	Rewards/Recognition	Repealed.
2.006.09	Corrective Actions	Repealed.
2.006.10	Reconstitution Plan	Repealed.
2.006.11	School Choice	Repealed.
2.006.12	Progress Report	Repealed.
2.006.13	Appeals Procedures	Repealed.
2.006.14	Student Mobility	Repealed.
2.006.15	Pairing/Sharing of Schools with Insufficient Test Data	Repealed.
2.006.16	New Schools and/or Significantly Reconfigured Schools	Repealed.
2.006.17	Inclusion of Alternative Education Students	Repealed.
2.006.18	Inclusion of Students with Disabilities	Repealed.
2.006.19	Inclusion of Schools with Very Low Numbers of Students	Repealed.

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Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741 Louisiana Handbook  
for School Administrators Policy for Louisiana's  
Public Education Accountability System**

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746 Louisiana Standards for State Certification of  
School Personnel All-Level (K-12) Certification Areas  
(LAC 28:1.903)

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed changes extract accountability policy from  
Bulletin 741. This new Bulletin 111 adjusts existing policy and  
adds new components to comply with federal guidance.  
Monetary rewards for academic success are currently  
distributed to districts/schools every two years. The proposed  
rule change calls for rewards on an annual basis. If the  
legislature chooses to reward at the same rate and if schools  
continue to improve at the same rate, then expenditures will  
double from \$5,000,000 in the Spring of even numbered years  
to \$5,000,000 every Spring. There is \$5,000,000 budgeted for  
rewards in the current year.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections by state or  
local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There will be no estimated costs and/or economic benefits  
to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#019

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

In accordance with R.S. 49:950 et seq., the Administrative  
Procedure Act, notice is hereby given that the Board of  
Elementary and Secondary Education approved for  
advertisement an amendment to *Bulletin 746 Louisiana  
Standards for State Certification of School Personnel*,  
referenced in LAC 28:1.903.A. This policy amends the  
structure for undergraduate programs for all level (K-12)  
areas of art, dance, foreign language, health and physical  
education, and music. It also provides for all-level programs  
through the three new alternate routes: Practitioner Teacher  
Program, Master' Program, Non-Master'/Certification-only  
Program. The policy continues the conversion to new  
teacher education programs, providing options for the five  
all-level (K-12) certification areas of art, dance, foreign  
language, health and physical education, and music through  
new undergraduate and alternate teacher education  
programs.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations**

**A. Bulletin 746**

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S.  
17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6);  
R.S. 17:391.1-391.10; R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of  
Elementary and Secondary Education in LR 1:183, 311, 399, 435,  
541 (April, July, September, October, December 1975), amended  
LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April  
2002), LR 28:990 (May 2002), LR 29:

**All-Level (K-12) Certification Areas**

All-Level Undergraduate Program Structure <sup>†</sup>		Art	Dance	Foreign Language	Health and Physical Education	Vocal and/or Instrumental Music
<b>General Education Coursework</b>	English	6 hours	6 hours	6 hours	6 hours	6 hours
	Mathematics	6 hours	6 hours	6 hours	6 hours	6 hours
	Sciences	9 hours	9 hours	9 hours	9 hours	9 hours
	Social Studies	6 hours	6 hours	6 hours	6 hours	6 hours
	Arts	3 hours	3 hours	3 hours	3 hours	3 hours
<b>FOCUS AREA</b>		31 semester hours of Art Coursework	31 semester hours Dance Coursework	31 semester hours Foreign Language Coursework*	31 semester hours H&PE Coursework	31 semester vocal music; or 31 semester hours instrumental music; or 50 hours Vocal and Instrumental Music,
<b>Knowledge of the Learner and the Learning Environment</b> (These hours may be integrated into other areas in developing new courses)	Child Development/ Psychology, Adolescent Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, and Multicultural Education (Note: Courses should address needs of both the regular and exceptional child, and be provided across all K-12 grade levels)	18 hours  Emphasis across all grade levels K-12	18 hours  Emphasis across all grade levels K-12	18 hours  Emphasis across all grade levels K-12	18 hours  Emphasis across all grade levels K-12	18 hours  Emphasis across all grade levels K-12
	Methodology and Teaching	3 hours	3 hours	3 hours	3 hours	3 hours
	Reading	6 hours	6 hours	6 hours	6 hours	6 hours
	Teaching Methodology and Strategies	9 hours	9 hours	9 hours	9 hours	9 hours
	Student Teaching**	27 hours	27 hours	27 hours	27 hours	2-27 hours
<b>Flexible Hours for the University's Use***</b>		124 hours	124 hours	124 hours	124 hours	124 hours
<b>TOTAL HOURS<sup>†</sup></b>						

Note: If students do not possess basic technology skills, they should be provided coursework or opportunities to develop those skills early in their program.

\*If foreign language is French, at least 12 hours must be earned through a two-semester residence in a university abroad OR through two summers of intensive immersion study on a LA university campus, an out-of-state university, or abroad.

\*\*Students must spend a minimum of 270 clock hours in student teaching, with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis.

\*\*\*In addition to the student teaching experience, students should be provided actual teaching experience (in addition to observations) in classroom settings during sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

†Candidates who complete all-level programs will be certified for regular education across grades K-12 and are eligible to add endorsements for 7-12 teaching areas. Candidates may devote flexible hours toward acquisition of a second academic focus in a 7-12 teaching area.

**Louisiana Alternate Certification Programs**

*Practitioner Teacher Program* Alternative Path to Certification

State-approved private providers and Louisiana colleges or universities with an approved teacher education program may choose to offer a Practitioner Teacher Program. Practitioner Teacher Programs may offer certification in Grades 1-6, Grades 4-8, or Grades 7-12 (regular or special education). The Practitioner Teacher Program is a streamlined certification path that combines intensive coursework and full-time teaching.

1. Admission to the Program. Program providers will work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during the fall and spring. To be admitted, individuals should:

- a. Possess a baccalaureate degree from a regionally accredited university.
- b. Have a 2.50 GPA on undergraduate work. Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program

provider. However, in no case may the GPA be less than 2.20. (Note: State law requires that upon completion of the program, the teacher candidate has a 2.50 GPA for certification.)

c. Pass the PRAXIS Pre-Professional Skills Test (e.g., reading, writing, and mathematics). (Individuals who already possess a graduate degree will be exempted from this requirement.)

d. Pass the PRAXIS content specific examinations:

(1) Candidates for Grades 1-6 (regular and special education): pass the *Elementary Education: Content Knowledge* specialty examination;

(2) Candidates for Grades 4-8 (regular and special education): pass the *Middle School: Content Knowledge* specialty examination;

(3) Candidates for Grades 7-12 (regular and special education): pass the *content specialty examination(s)* in the content area(s) in which they intend to teach.

(4) Candidates for All-Level K-12 areas of Art, Dance, Foreign Language, Health and Physical Education, and Music: pass the content specialty examination. If no

exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

e. Meet other non-course requirements established by the college or university.

2. Teaching Preparation (Summer) 9 credit hours (or equivalent 135 contact hours) All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours).

Grades 1-6, 4-8, and 7-12 practitioner teachers will successfully complete courses (or equivalent contact hours) pertaining to child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships.

Mild/Moderate Special Education 1-12 practitioner teachers will successfully complete courses (or equivalent contact hours) that focus on special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities.

All-Level K-12 practitioner teachers will successfully complete courses (or equivalent contact hours) pertaining to child and adolescent psychology, the diverse learner, classroom management and organization, assessment; instructional design, and instructional strategies across grade levels K-12 before starting their teaching internships.

3. Teaching Internship and First-Year Support 12 credit hours (or equivalent 180 contact hours)

Practitioner teachers will assume full-time teaching positions in districts. During the school year, these individuals will participate in two seminars (one seminar during the fall and one seminar during the spring) that address immediate needs of the Practitioner Teacher Program teachers and will receive one-on-one supervision through an internship provided by the program providers. The practitioner teacher will also receive support from school-based mentor teachers provided by the Louisiana Teacher Assistance and Assessment Program (LaTAAP) and principals. Note: For all-level areas (art, dance, foreign language, health and physical education, and music), experiences should be provided across grades K-12.

4. Teaching Performance Review (End of First Year)

Program providers, principals, mentors, and practitioner teachers will form teams to review first-year teaching performance of practitioner teachers and determine the extent to which the practitioner teachers have demonstrated teaching proficiency. If practitioner teachers demonstrated proficiency, they will enter into the assessment portion of the Louisiana Teacher Assistance and Assessment Program during the next fall. (If a practitioner teacher who passed the assessment portion of the Louisiana Teacher Assistance and Assessment program prior to entering the Practitioner Teacher Program continues to demonstrate the Louisiana Components of Effective Teaching at the "competent" level, the team may, by unanimous decision, exempt the teacher

from completing the assessment part of the Louisiana Teacher Assistance and Assessment Program.

If weaknesses are cited, teams will identify additional types of instruction needed to address the areas of need. Prescriptive plans that require from one to nine credit hours (or 15 to 135 equivalent contact hours) of instruction will be developed for practitioner teachers. In addition, teams will determine whether practitioner teachers should participate in the new teacher assessment during the fall or whether the practitioner teachers should receive additional mentor support and be assessed after the fall.

5. Prescriptive Plan Implementation (Second Year) 1-9 credit hours (15 to 135 contact hours)

Practitioner teachers who demonstrate areas of need will complete prescriptive plans.

6. Louisiana Assessment Program (Second Year)

Practitioner teachers will be assessed during the fall or later, depending upon their teaching proficiencies.

7. PRAXIS Review (Second Year)

Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the PRAXIS.

8. Certification Requirements

(Requirements must be met within a three-year time period. A practitioner teacher's license will not be renewed if all course requirements are not met with these three years.)

Private providers and colleges or universities will submit signed statements to the Louisiana Department of Education that indicate that the student completing the Practitioner Teacher Program alternative certification path met the following requirements:

a. Passed the PPST components of the PRAXIS (Note: This test was required for admission.)

b. Completed the Teaching Preparation and Teaching Internship segments of the program with an overall 2.50 or higher GPA.

c. Passed the Louisiana Teacher Assistance and Assessment Program.

d. Completed prescriptive plans (if weaknesses were demonstrated).

e. Passed the specialty examination (PRAXIS) for the area(s) of certification. (Note: This test was required for admission.)

1) Grades 1-6 (regular and special education): Elementary Education: Content Knowledge Exam #0014

2) Grades 4-8 (regular and special education): Middle School Education: Content Knowledge Exam #0146.

3) Grades 7-12 (regular and special education): Content specialty examination in area(s) in which candidate intends to teach. (Note: This test was required for admission.

If no exam was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.)

4) All-Level K-12 areas (art, dance, foreign language, health and physical education, and music): Content specialty examination in area(s) in which candidate intends to teach. (Note: This test was required for admission.

If no exam was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.) Provider must develop a process



to assure that candidates for all-level certification demonstrate necessary performance skills in the area of certification.

f. Passed the Principles of Learning and Teaching examination (PRAXIS)

1) Grades 1-6: Principles of Learning and Teaching K-6

2) Grades 4-8: Principles of Learning and Teaching 5-9

3) Grades 7-12 and All-Level K-12 Certification: Principles of Learning and Teaching 7-12

4) Mild/Moderate Special Education 1-12: Special education exams (to be determined)

9. Ongoing Support (Second and Third Year)

Program providers will provide support services to practitioner teachers during their second and third years of teaching. Types of support may include on-line support, Internet resources, special seminars, etc.

10. Professional License (Practitioner License to Level 2)

Practitioner teachers will be issued a Practitioner License when they enter the program. They will be issued a Level 1 Professional License once they have successfully completed all requirements of the program; after three years of teaching, they will be eligible for a Level 2 license.

#### **Undergraduate/Graduate Courses and Graduate Programs**

Universities may offer the courses at undergraduate or graduate levels. Efforts should be made to allow students to use graduate hours as electives if the students are pursuing a graduate degree.

*Masters Degree Program Alternative Path to Certification*

A Louisiana college or university with an approved teacher education program may choose to offer an alternative certification program that leads to a master's degree. The college or university may choose to offer the masters degree program as either a Master of Education or a Master of Arts in Teaching. Masters Degree Programs may offer certification in Grades PK-3, 1-6, 4-8, 7-12, All-Level K-12 (Art, Dance, Foreign Language, Health and Physical Education, and Music), or Mild-Moderate Special Education.

#### **Admission to the Program**

To be admitted, individuals should:

1. Possess a baccalaureate degree from a regionally accredited university.

2. Have a 2.50 GPA, or higher, on undergraduate work.

3. Pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) on the PRAXIS (Individuals who already possess a graduate degree will be exempted from this requirement.)

4. Pass the PRAXIS content-specific subject area examination:

a. Candidates for PK-3 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;

b. Candidates for Grades 1-6 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;

c. Candidates for Grades 4-8 (regular and special education): pass the Middle School Education: Content Knowledge (#0146) specialty exam;

d. Candidates for Grades 7-12 (regular and special education): pass the content specialty examination(s) of the PRAXIS in the content area(s) in which they intend to teach. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area.

e. Candidates for All-Level K-12 Areas of Art, Dance, Foreign Language, Health and Physical Education, and Music: pass the content specialty examination. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

5. Meet other non-course requirements established by the college or university.

#### **Program Requirements**

1. Knowledge of Learner and the Learning Environment 15 credit hours

Grades PK-3, 1-6, 4-8, and 7-12: Child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design and instructional strategies

Mild/Moderate Special Education 1-12: Special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, vocational and transition services for students with disabilities

All-Level (Grades K-12): Child AND adolescent psychology, the diverse learner, classroom management/organization, assessment, instructional design and instructional strategies, across grade levels K-12

2. Methodology and Teaching 12-15 credit hours

Methods courses and field experiences. Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

3. Student Teaching or Internship 6- 9 credit hours Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

TOTAL: 33-39 credit hours

#### **Certification Requirements**

Colleges or universities will submit signed statements to the Louisiana Department of Education which indicate that the student completing the Masters Degree Program alternative certification path met the following requirements:

1. Passed PPST components of the PRAXIS. (Note: This test was required for admission.)

2. Completed coursework (undergraduate and masters program) with an overall 2.50 or higher GPA.

3. Passed the specialty examination (PRAXIS) for the area of certification. (Note: This test was required for admission.)

- a. Grades PK-3: Elementary Education: Content Knowledge (#0014) specialty examination
- b. Grades 1-6: Elementary Education: Content Knowledge (#0014) specialty examination
- c. Grades 4-8: Middle School Education: Content Knowledge (#0146) specialty examination.
- d. Grades 7-12 and All-Level K-12 Certification: Specialty content test in areas to be certified. (Note: This test was required for admission.) If no exam was adopted for Louisiana in the certification area, for admission purposes, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area.
- e. Mild/Moderate Special Education 1-12: Special Education
  - 4. Passed the Principles of Learning and Teaching examination (PRAXIS)
    - a. Grades PK-3: Principles of Learning and Teaching K-6
    - b. Grades 1-6: Principles of Learning and Teaching K-6
    - c. Grades 4-8: Principles of Learning and Teaching 5-9
    - d. Grades 7-12; All-Level K-12 Certification: Principles of Learning and Teaching 7-12

Universities offering alternative certification options were required to begin implementation of the newly adopted paths on or before July 2002.

No students should be accepted into the "old" post-baccalaureate alternate certification program after Spring Semester 2003. Candidates already in the "old" alternative certification program would be given until August 31, 2006 to complete their programs.

*Non-Masters/Certification-Only Program*  
Alternative Path to Certification

This program is designed to serve those candidates who may not elect participation in or be eligible for certification under either the Practitioner Teacher Alternate Certification Program or the Master's Degree Alternate Certification Program. The program may also be accessible in some areas of the state in which the other alternate certification programs are not available. Non-Master's/ Certification-Only Programs may offer certification in PK-3, 1-6, 4-8, 7-12, All-Level K-12 (Art, Dance, Foreign Language, Health and Physical Education, and Music), or Mild-Moderate Special Education.

**Admission to the Program**

To be admitted, individuals should:

1. Possess a baccalaureate degree from a regionally accredited university;
2. Have a 2.20 GPA, or higher, on undergraduate coursework. (An overall 2.50 GPA is required for certification. Those candidates with a GPA lower than 2.50 may have to take additional courses in the program to achieve a 2.50 GPA.);
3. Pass the PRAXIS Pre-Professional Skills Test (PPST) (Individuals who already possess a graduate degree will be exempted from this requirement.); and
4. Pass the PRAXIS content-specific subject area examination:
  - a. Candidates for PK-3 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;

- b. Candidates for Grades 1-6 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;
- c. Candidates for Grades 4-8 (regular and special education): pass the Middle School Education: Content Knowledge (#0146) specialty exam;
- d. Candidates for Grades 7-12 (regular and special education): pass the content specialty examination(s) of the PRAXIS in the content area(s) in which they intend to teach. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area.
- e. Candidates for All-Level K-12 areas of Art, Dance, Foreign Language, Health and Physical Education, and Music: pass the content specialty examination. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

**Program Requirements**

This program will provide the same rigor as other certification routes provided by aligning with such empirically-based standards as National Council for the Accreditation of Teacher Education (NCATE), Interstate New Teacher Assessment and Support Consortium (INTASC), Louisiana Components of Effective Teaching (LCET), and the Louisiana Content Standards. This program will also emphasize collaboration between the university and the school districts in order to share and exchange strategies, techniques, and methodologies; and integrate field-based experiences into the curriculum.

**Program Structure**

1. Knowledge of Learner and the Learning Environment\* 12 hours  
 Grades PK-3, 1-6, 4-8, and 7-12: Child/ or adolescent development / or psychology, the diverse learner, classroom management/organization/environment, assessment, instructional design, and reading/instructional strategies that are content- and level-appropriate.  
 Mild/Moderate Special Education 1-12: Special needs of the Special Education Mild/Moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for Special Education Mild/Moderate exceptional children, vocational and transition services for students with disabilities.  
 All-Level K-12 Areas: Child psychology and adolescent psychology; the diverse learner; classroom management/organization/environment; assessment; instructional design, and reading/instructional strategies across grade levels K-12.  
 \*All courses for regular and special education will integrate effective teaching components, content standards, technology, reading, and portfolio development. Field-based experiences will be embedded in each course.
2. Methodology and Teaching 6 hours  
 Methods courses to include case studies and field experiences. Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.
3. Internship or Student Teaching 6 hours

Will include methodology seminars that are participant-oriented. Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), internship or student teaching experiences should be provided across grades K-12.

4. Prescriptive Plan 1-9 hours

The prescriptive plan can be pre-planned courses for individual programs or can be individualized courses for the candidate who demonstrates areas of need, not to exceed 9 semester hours.

TOTAL 24-33 hours

### Certification Requirements

Colleges or universities will submit signed statements to the Louisiana Department of Education that indicate the student completing the Non-Master's/Certification-Only alternative certification path met the following requirements:

1. Passed the PPST components of the PRAXIS. (Note: This test was required for admission.) (Individuals who already possess a graduate degree will be exempted from this requirement).

2. Completed all coursework (including the certification program) with an overall 2.5 or higher GPA.

3. Passed the specialty examination (PRAXIS) for the area(s) of certification. (Note: This test was required for admission.)

a. Grades PK-3: Elementary Education: Content Knowledge (#0014) specialty examination

b. Grades 1-6: Elementary Education: Content Knowledge (#0014) specialty examination

c. Grades 4-8: Middle School Education: Content Knowledge (#0146) specialty examination.

d. Grades 7-12 and All-Level K-12 Certification: Specialty content test in areas to be certified. (Note: This test was required for admission. If no exam was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.)

4. Passed the Principles of Learning and Teaching examination (PRAXIS)

a. Grades PK-3 (regular and special education): Principles of Learning and Teaching K-6

b. Grades 1-6 (regular and special education): Principles of Learning and Teaching K-6

c. Grades 4-8 (regular and special education): Principles of Learning and Teaching 5-9

d. Grades 7-12 (regular and special education and All-Level K-12 Certification: Principles of Learning and Teaching 7-12

Universities offering the Non-Master's/Certification-Only alternative certification option are required to begin implementation of the newly adopted paths during or before Summer 2003.

No students should be accepted into the "old" post-baccalaureate alternate certification program after Spring Semester 2003. Candidates already in the "old" alternative certification program would be given until August 31, 2006, to complete their programs.

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### Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted,

amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 746 Louisiana Standards for State Certification of School Personnel All-Level (K-12) Certification Areas**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy amends the structure for undergraduate programs for all level (K-12) areas of art, dance, foreign language, health and physical education, and music. It also provides for all-level programs through the three new alternate routes: Practitioner Teacher Program, Master's Program, Non-Master's/Certification-only Program. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#105

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel College of Arts/Humanities/Science (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of

Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy adds a non-education undergraduate degree program option as a means to obtain secondary education certification, through a minor in secondary education. This policy provides a certification option for those who wish to become certified, do not want an undergraduate degree in education, and wish to obtain a pure content undergraduate degree.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:

**College of Arts/Humanities/Sciences**

**Degree Pathway to Secondary Education Certification**

The following certification structure identifies courses that candidates must complete if pursuing a degree through the College of Arts/Humanities/Sciences with an education minor to become certified to teach.

Areas		College of Arts/Science Degree Secondary Pathway BA or BS Degree in a Content Area
<b>General Education Coursework</b>	<b>English</b>	6 hours
	<i>Mathematics</i>	6 hours
	<i>Science</i>	9 hours
	<i>Social Studies</i>	6 hours
	<i>Arts</i>	3 hours
<b>Focus Areas</b>	<b>Major in a Content Area:</b> (semester hours can include General Education Coursework, if appropriate, and additional coursework)	31 hours (minimum)

	<b>Minor in Education:</b> 33 hours (should address the needs of the regular and the exceptional child)	<b>Knowledge of the Learner and Learning Environment</b> (should address the following areas): Adolescent Development/ Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, Multicultural Education	<b>15 hour s</b>
		<b>Reading</b>	<b>3 hour s</b>
		<b>Methodology</b>	<b>6 hour s</b>
		<b>Student Teaching</b>	<b>9 hour s</b>
Flexible Hours*		30-39* hours	
Total Hours		<b>124 hours</b>	

\*The number of flexible hours is dependent upon the number of General Education courses in English, Mathematics, Science, and Social Studies that can be applied toward the major. The number of hours for the major should be a minimum of 31 hours, and the total curriculum (including flexible hours) should be 124 credit hours.

\* \* \*

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746 Louisiana Standards  
for State Certification of School Personnel  
College of Arts/Humanities/Science**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This policy adds a non-education undergraduate degree program option as a means to obtain secondary education certification, through a minor in secondary education. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

The policy should increase the supply of certified teachers in the work force, which would help to address the current teacher shortage problem.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#041

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746 Louisiana Standards for State Certification of  
School Personnel Higher Certificates for Teachers  
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy amends current policy, to provide for new licensure categories of Level 2\* (asterisk) and Level 3\* (asterisk) certificates for non-public school teachers. Nonpublic school teachers were able to move to higher certificates under the old licensure structure. This amended policy is necessitated by the move to a new licensure structure in July 2002.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations  
A. Bulletin 746**

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435,

541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:

**Higher Certificates for Teachers in  
Non-Public Schools Who Have Not Completed  
the State Teacher Assessment Program**

Louisiana state certified teachers teaching in any approved on-public schools shall be awarded a permanent teaching certificate, provided they have successfully:

1. taught for three years in the teacher's area of certification; and

2. completed a teacher assessment program for three consecutive years at the same non-public school. This assessment shall be performed by the non-public school principal and shall, as a minimum, include satisfactory assessment of the teacher's performance in the following areas: planning, management, instruction, and professional development.

The three years of teaching in the area of certification and the three consecutive years of teacher assessment may be accomplished concurrently or during different school years. The principal of the non-public school shall certify when the above criteria have been met.

Teachers in a non-public school who have taught three consecutive years in the same non-public school and who have completed the school-based teacher assessment program successfully are eligible for a Type B\* certificate or a Level 2\* certificate which is valid in non-public schools only. The asterisk behind the "B" or "2" would refer to statements at the bottom of the certificate which read as follows.

If this teacher enters a public school system in Louisiana, he/she will be required to successfully complete the state teacher assessment program.

If a teacher with a Level 2\* certificate moves to a public school setting, the regular renewal guideline will apply, namely professional development Continuing Learning Units (CLUs) at the rate of 150 every five-year period.

The same asterisk would appear on the Type A and Level 3 certificates.

The accumulation of the required three years of experience began with the 1998-1999 school year. Any non-public school that seeks participation for its teachers in state teacher assessment will be allowed to participate in the program.

\* \* \*

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Bulletin 746 Louisiana Standards for State Certification of School Personnel Higher Certificates for Teachers**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy amends current policy, to provide for new licensure categories of Level 2\* (asterisk) and Level 3\* (asterisk) certificates for non-public school teachers. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The current policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#042

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of  
School Personnel Highly Qualified Middle School Teacher  
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy sets guidelines for highly qualified status for middle school teachers for the period July 1, 2003 through June 30, 2004, in terms of PRAXIS exam requirements. This action helps to align Louisiana policy with the No Child Left Behind Act of 2001.

## Title 28 EDUCATION

### Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans

#### Subchapter A. Bulletins and Regulations

#### §903. Teacher Certification Standards and Regulations

##### A. Bulletin 746

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:

#### Highly Qualified Middle School Teachers One-Year Policy for July 1, 2003, through June 30, 2004

Candidates for certification in middle school (grades 4-8) who passed PRAXIS Exam #0146 (Middle School: Content Knowledge) prior to July 1, 2003, are grandfathered in as "highly qualified" for the one-year period beginning July 1, 2003, and ending June 30, 2004, and are required to meet "highly qualified" status for "not new" middle school teachers by the end of school year 2005-2006.

Middle school teachers "new to the profession" who complete PRAXIS exams after June 30, 2003, are required to successfully complete the middle school content-specific exams in any of the four academic disciplines (English/language arts, mathematics, science, and social studies) in which they are teaching in order to achieve "highly qualified" status.

\* \* \*

#### Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746 Louisiana Standards  
for State Certification of School Personnel  
Highly Qualified Middle School Teacher**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This policy sets guidelines for highly qualified status for middle school teachers for the period July 1, 2003, through June 30, 2004, in terms of PRAXIS exam requirements. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#020

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746 Louisiana Standards for State Certification  
of School Personnel Nonpublic Temporary Certificate  
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746, Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy adds a new licensure category, the Nonpublic Temporary Certificate, to the certificates being issued by the state. This allows teachers in nonpublic schools to be temporarily licensed under renewal requirements particular to the nonpublic school setting.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations  
A. Bulletin 746**

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended

LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:

**Nonpublic Temporary Certificate**

A Non-public Temporary Certificate will be granted to those teachers practicing in a non-public school setting who need temporary credentialing.

An initial fee must be paid with the first application for this certificate, with no fee requirement for renewal. The guideline for renewal of this Non-Public Temporary Certificate is six semester hours of professional coursework per year.

\* \* \*

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746 Louisiana Standards for  
State Certification of School Personnel Nonpublic  
Temporary Certificate**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This policy adds a new licensure category, the Nonpublic Temporary Certificate, to the certificates being issued by the State. This allows teachers in nonpublic schools to be temporarily licensed under renewal requirements particular to the nonpublic school setting. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

The policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#043

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746 Louisiana Standards for State Certification of School Personnel PRAXIS Exams and Passing Scores for Louisiana Certification (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy specifies the exam and passing score for the following certification areas: secondary areas of French, mathematics, and Spanish; middle school mathematics; and the all-level (K-12) areas of Music and Physical Education. It names four new special education pedagogy exams and passing scores to be used for the certification areas of Hearing Impaired, Mild to Moderate Disabilities, Severe to Profound Disabilities, and Early Interventionist. It names one exam and the passing score to be used with the two separate certification areas of elementary education and early childhood education. Finally,

it specifies the exam the state will use, along with a passing score, for determining highly qualified status for paraprofessionals.

Five exams currently used by the state have been retired by Educational Testing Service, necessitating the adoption of new exams for the areas of French, secondary Mathematics, Music, Physical Education, and Spanish. In response to the No Child Left Behind Act, the board approved an exam to be used for paraprofessionals. The four special education exams, as well as the exam for middle school mathematics, are new exams to be used in Louisiana. Also, the board periodically revisits passing scores of previously adopted exams and adopts new passing scores, as is the case with the exam entitled "Elementary Education: Content Knowledge"; and the Board sanctioned use of this exam for Early Childhood Education candidates as well as for Elementary Education candidates.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations  
A. Bulletin 746**

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002); LR 28:990 (May 2002), LR 29:

**PRAXIS/NTE SCORES**

**Minimum Score Requirements for Certification in Louisiana, Effective 6/1/04**

(See next pages for NTE tests/scores required for certification in Louisiana prior to 9/1/99\* and as of 9/1/99)

Area Test	Area Score	Pre-Professional Skills Test			Principles of Learning & Teaching			
		**PPST:R	**PPST:W	**PPST:M	PLT	PLT	OR	PLT
					K-6	5-9		7-12
Administration and Supervision (0410)	620	---	---	---	---	---		---
Agriculture***	---	172	171	170	---	---		161
Art Education***	---	172	171	170	161	154	or	161
Biology & General Science (0030)	580	172	171	170	---	---		161
Business Education (0100)	540	172	171	170	---	---		161
Chemistry/Physics/General Science (0070)	530	172	171	170				161
Early Childhood PK-3: Elementary Education: Content Knowledge #0014	150	172	171	170	Pedagogy Requirement: Early Childhood Education (0020)			510
Elementary Education: <b>Through 9/30/02:</b> Curriculum, Instruction, & Assessment (0011) Content Area Exercises (0012) <b>Effective 10/1/02:</b> Content Knowledge (#0014) <b>Effective 6/1/04:</b> Content Knowledge (#0014)	156 137 147 150	172	171	170	161	---		---
English Language, Literature, & Composition: Content Knowledge (0041) Pedagogy (0043)	160 130	172	171	170	---	---		161
French: Content Knowledge (0173)	156	172	171	170	---	---		161
German (0180)	500	172	171	170	---	---		161
Home Economics Education (0120)	510	172	171	170	---	---		161
Industrial Arts Education***	---	172	171	170	---	---		161



Mathematics: Content Knowledge (0061)	125	172	171	170	---	---		161
Effective 6/1/07	130							
Effective 6/1/10	135							
Middle School: Mathematics (0069)	148	172	171	170	---	154		---
Music: Content Knowledge (0113)	151	172	171	170	161	154	r	161
ParaPro Assessment (0755)	450	--	--	--	--	--	--	--
Physical Education: Content Knowledge (0091)	146	172	171	170	161	154	or	161
Spanish: Content Knowledge (0191)	160	172	171	170	---	---		161
Social Studies:	149	172	171	170	---	---		161
Content Knowledge (0081)	152							
Interpretation of Materials (0083)								
Speech Communications***	---	172	171	170	---	---		161

\*Individuals who achieved the required NTE score(s) may use those in lieu of the replacement PRAXIS test.

\*\*Computerized PPST (C-PPST) available as an option.

\*\*\*Area test is not required for certification in Louisiana.

PPST:R	Pre-Professional Skills Test: Reading (0710)
PPST:W	Pre-Professional Skills Test: Writing (0720)
PPST:M	Pre-Professional Skills Test: Mathematics (0730)
PLT K-6	Principles of Learning & Teaching K-6 (0522)
PLT 5-9	Principles of Learning & Teaching 5-9 (0523)
PLT 7-12	Principles of Learning & Teaching 7-12 (0524)

<b>Computer-Based Tests (prior to 1/16/02):</b>	
<b>CBT Reading (0711)</b>	<b>319</b>
CBT Writing (0721)	316
CBT Mathematics (0731)	315
Computerized PPST (after 1/16/02) same passing scores as written PPST: Reading (#5710), Writing (#5720), Mathematics, (#5730)	

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

### Special Education Areas

Area Test	Area Score	Pre-Professional Skills Test			Pedagogy Requirement	
		**PPST:R	**PPST:W	**PPST:M		
Early Interventionist		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
Hearing Impaired		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
					Education of Deaf and Hard of Hearing Students (0271)	160
Mild to Moderate Disabilities		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
					Education of Exceptional Students: Mild to Moderate Disabilities (0542)	141
Severe to Profound Disabilities		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
					Education of Exceptional Students: Severe to Profound Disabilities (0544)	147

**PRAXIS/NTE SCORES**

**Minimum Score Requirements for Certification in Louisiana, Effective 9/1/99 (and later, as noted)  
(See NTE tests/scores required for certification in Louisiana prior to 9/1/99)\***

Area Test	Area Score	Pre-Professional Skills Test			Principles of Learning & Teaching			
		**PPST:R	**PPST:W	**PPST:M	PLT K-6	PLT 5-9	OR	PLT 7-12
Administration and Supervision (0410)	620	---	---	---	---	---		---
Agriculture***	---	172	171	170	---	---		161
Art Education***	---	172	171	170	161	154	or	161
Biology & General Science (0030)	580	172	171	170	---	---		161
Business Education (0100)	540	172	171	170	---	---		161
Chemistry/Physics/General Science (0070)	530	172	171	170				161
Early Childhood Education (0020)	510	172	171	170	161	---		---
Elementary Education: Through 9/30/02: Curriculum, Instruction, & Assessment (0011) Content Area Exercises (0012) Effective 10/1/02: Content Knowledge (#0014)	156 137 147	172	171	170	161	---		---
English Language, Literature, & Composition: Content Knowledge (0041) Pedagogy (0043)	160 130	172	171	170	---	---		161
French (0170)	520	172	171	170	---	---		161
German (0180)	500	172	171	170	---	---		161
Home Economics Education (0120)	510	172	171	170	---	---		161
Industrial Arts Education***	---	172	171	170	---	---		161
Mathematics (0060)	550	172	171	170	---	---		161
Middle School Effective 10/1/02: Content: Knowledge (0146)	150	172	171	170	---	154		---
Music Education (0110)	530	172	171	170	161	154	or	161
Physical Education (0090)	550	172	171	170	161	154	or	161
Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	149 152	172	171	170	---	---		161
Spanish (0190)	540	172	171	170	---	---		161
Special Education***	---	172	171	170	161	154	or	161
Speech Communications***	---	172	171	170	---	---		161

\*Individuals who achieved the required NTE score(s) may use those in lieu of the replacement PRAXIS test.

\*\*Computerized PPST (C-PPST) available as an option.

\*\*\*Area test is not required for certification in Louisiana.

PPST:R	Pre-Professional Skills Test: Reading (0710)
PPST:W	Pre-Professional Skills Test: Writing (0720)
PPST:M	Pre-Professional Skills Test: Mathematics (0730)
PLT K-6	Principles of Learning & Teaching K-6 (0522)
PLT 5-9	Principles of Learning & Teaching 5-9 (0523)
PLT 7-12	Principles of Learning & Teaching 7-12 (0524)

<b>Computer-Based Tests (prior to 1/16/02):</b>	
<b>CBT Reading (0711)                      319</b>	
CBT Writing (0721)	316
CBT Mathematics (0731)	315
Computerized PPST (after 1/16/02) Same passing scores as written	
PPST: Reading (#5710), Writing (#5720), Mathematics, (#5730)	

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

**NTE SCORES**

**NTE Minimum Score Requirements for Certification in Louisiana Prior to September 1, 1999**

Area Test	Area Score	Core Battery Test		
		CS	GK	PK
Administration and Supervision (0410)	620	---	---	---
Agriculture*	---	645	644	645
Art Education*	---	645	644	645
Biology & General Science (0030)	580	645	644	645
Business Education (0100)	540	645	644	645
Chemistry/Physics/General Science (0070)	530	645	644	645
Early Childhood Education (0020)	510	645	644	645
Education in Elementary School (0010)	550	645	644	645
English Language/Literature (0040)	550	645	644	645
French (0170)	520	645	644	645
German (0180)	500	645	644	645
Home Economics Education (0120)	510	645	644	645
Industrial Arts Education*	---	645	644	645
Mathematics (0060)	550	645	644	645
Music Education (0110)	530	645	644	645
Physical Education (0090)	550	645	644	645
Social Studies (0080)	550	645	644	645
Spanish (0190)	540	645	644	645
Special Education *	---	645	644	645
Speech*	---	645	644	645

\*Area test is not required for certification in Louisiana.

CS = Core Battery: Communication Skills (0500)

GK = Core Battery: General Knowledge (0510)

PK = Core Battery: Professional Knowledge (0520)

See previous page for PRXIS/NTE tests/scores required for certification in Louisiana,

Effective September 1, 1999

\* \* \*

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746 Louisiana Standards for State Certification of School Personnel PRAXIS Exams and Passing Scores for Louisiana Certification**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This policy specifies the exam and passing score for the following certification areas: secondary areas of French, mathematics, and Spanish; middle school mathematics; and the all-level (K-12) areas of Music and Physical Education. It names four new special education pedagogy exams and passing scores to be used for the certification areas of Hearing Impaired, Mild to Moderate Disabilities, Severe to Profound Disabilities, and Early Interventionist. It names one exam and the passing score to be used with the two separate certification areas of elementary education and early childhood education. Finally, it specifies the exam the state will use, along with a passing score, for determining Highly Qualified status for paraprofessionals. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#045

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746 Louisiana Standards for State Certification of School Personnel Policy for Add-On of Teaching Level and of Teaching Areas within Levels (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy provides an objective standard for the add-on of teaching level endorsements and of teaching area endorsements within levels, forming a bridge from the old certification structure requirements to the new certification structure requirements. The state has moved from an old certificate structure to a new structure. This policy simplifies the addition of endorsement areas for teachers and provides an objective means of moving from the old to the new.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 28:760 (April 2002); LR 28:763 (April 2002); LR 28:765 (April 2002); LR 28:990 (May 2002), LR 29:

**Add-On of Teaching Level and  
Teaching Areas within Levels**

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
1-4, 1-6, or 1-8	PK-3	1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014) AND 2. Accumulate 12 hours of combined Nursery School and Kindergarten coursework OR Achieve passing Praxis score for Praxis Early Childhood Education Exam (#0020) AND 3. Complete a one-year supervised internship in PK or K OR Present evidence of at least three years of successful teaching experience at PK-K level AND 4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology
4-8, 5-8, 7-12, Mild/Moderate, or All-Level K-12 <i>[Art, Dance, Foreign Language, Health, PE, H&amp;PE, Music]</i>	PK-3	1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014) OR Accumulate content and teaching methodology hours for an academic major in Early Childhood: 12 hours English 12 hours Reading/Language Arts 18 hours Mathematics 9 hours Sciences 9 hours Social Studies AND

		2. Achieve passing Praxis score for Praxis Early Childhood Education Exam (#0020) OR Accumulate 12 hours (content and teaching methodology) in Nursery School and Kindergarten combined AND 3. Present evidence of at least three years of successful teaching experience at the PK-3 level OR Complete a one-year supervised internship in PK-3 AND 4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology.
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Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
PK-K or PK-3	1-6	1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014) OR Accumulate hours (content and teaching methodology) for an academic major in elementary: 24 Reading/Language Arts 21 Mathematics total 15 Sciences 12 Social Studies AND 2. Achieve passing score for Praxis Principles of Learning and Teaching K-6 AND 3. Present evidence of at least three years of successful teaching experience at the 1-6 level OR Complete a one-year supervised internship in 1-6 AND 4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours of early literacy concepts of mathematics, and 3 semester hours of child development/psychology.
4-8, 5-8	1-6	1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014) AND 2. Achieve passing score for Praxis Principles of Learning and Teaching K-6 AND

		<p>3. Present evidence of at least three years of successful teaching experience at the 1-6 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 1-6</p> <p>AND</p> <p>4. Education Content Emphasis: Accumulate 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology</p>
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		<p>3. Education Content Emphasis: Candidate must have accumulated 9 semester hours reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology.</p>
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Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
7-12	1-6	<p>1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014)</p> <p>OR</p> <p>Accumulate hours (content and teaching methodology) for an academic major in elementary:</p> <p>24 Reading/Language Arts 21 Mathematics total 15 Sciences 12 Social Studies</p> <p>AND</p> <p>2. Achieve passing score for Praxis Principles of Learning and Teaching K-6</p> <p>AND</p> <p>3. Present evidence of at least three years of successful teaching experience at the 1-6 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 1-6</p> <p>AND</p> <p>4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology</p>
Mild/Moderate Special Education or All-Level K-12 [Art, Dance, Foreign Language, Music, Health, Physical Education, and H&PE]	1-6	<p>1. Content Emphasis: Pass Elementary Education: Content Knowledge Praxis exam (#0014)</p> <p>OR</p> <p>Accumulate hours (content and teaching methodology) for an academic major in Elementary Education:</p> <p>24 Reading/Language Arts 21 Mathematics total 15 Sciences 12 Social Studies</p> <p>AND</p> <p>2. Present evidence of at least three years of successful teaching experience at the 1-6 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 1-6</p> <p>AND</p>

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
PK-3, 1-4, 1-6, 5-8, or 7-12	4-8 Specialty Area of English, Math, Science, or Social Studies	<p>1. Accumulate 31 hours in the specialty content area</p> <p>OR</p> <p>Achieve passing Praxis score for Middle School: Specialty Area Exam in the content area</p> <p>AND</p> <p>2. Achieve passing score for Praxis Principles of Learning and Teaching 5-9</p> <p>AND</p> <p>3. Present evidence of at least three years of successful teaching experience at the 4-8 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 4-8</p> <p>AND</p> <p>4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework and 3 semester hours adolescent psychology.</p>
PK-3, 1-4, 1-6, 1-8, 4-8, or 5-8	7-12	<p>1. Pass Praxis specialty area exam requirement</p> <p>OR</p> <p>Accumulate 31 hours in content-specific area</p> <p>AND</p> <p>2. Achieve passing score for Praxis Principles of Learning and Teaching 7-12</p> <p>AND</p> <p>3. Present evidence of at least three years of successful teaching experience at the 7-12 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 7-12</p> <p>AND</p> <p>4. Education Content Emphasis: Complete 3 semester hours of adolescent psychology and 3 semester hours of secondary teaching methods</p>

PK-3, 1-4, 1-6, 4-8, 1-8, 7-12, or Mild/Moderate Special Education	An All-Level (K-12) Area [ <i>Art, Dance, Foreign Language, Music, Health, Physical Education, and H&amp;PE</i> ]	1. Pass the Praxis specialty area exam OR Accumulate 31 semester hours in the content specialty area AND
		2. Complete a supervised internship in the all-level area as a demonstration of performance skill OR Present evidence of at least three years of successful teaching experience in the all-level area AND
		3. Education Content Emphasis: Present 3 semester hours of credit in child development or psychology and 3 semester hours of credit in adolescent psychology, or 3 semester hours of credit in a course that combines child and adolescent psychology

Mild/Moderate Special Education or All-Level K-12 [ <i>Art, Dance, Foreign Language, Music, Health, Physical Education, and H&amp;PE</i> ]	4-8 Specialty Area of English, Math, Science, or Social Studies	1. Accumulate 31 hours in the specialty content area OR Achieve passing score for Middle School: Specialty Area Praxis Exam in the content area AND 2. Complete a one-year supervised internship in 4-8 in the content specialty area OR 3. Present evidence of at last three years of successful teaching experience in 4-8 in the content specialty area AND 4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours of adolescent psychology, and 3 semester hours of middle school teaching methods.
	7-12	1. Pass Praxis specialty area exam requirement OR Accumulate 31 hours in content-specific area AND 2. Present evidence of at least three years of successful teaching experience at the 7- 12 level OR Complete a one-year supervised internship in 7-12 AND 3. Education Content Emphasis: Complete 3 semester hours of adolescent psychology and 3 semester hours of secondary teaching methods

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
PK-3, 1-4, 1-6, 4-8, 5-8, 1-8, 7-12, or All-Level K-12 [ <i>Art, Dance, Foreign Language, Music, Health, Physical Education, and H&amp;PE</i> ]	Mild/Moderate Special Education	1. Content Emphasis: Pass Praxis content knowledge Praxis exam required for the level AND 2. Special Education Emphasis: 15 hours of coursework: to include Methods/Materials for Mild/Moderate Exceptional Children (3); Assessment and Evaluation of Exceptional Learners (3); Behavioral Management of Mild/Moderate Exceptional Children (3); Vocational and Transition Services for Students with Disabilities (3); and Practicum in Assessment and Evaluation of M/M Exceptional Learners (3) AND 3. Earn a passing score on Mild/Moderate Special Education Praxis content specialty exam(s) required in Louisiana AND 4. Complete a one-year supervised internship in Mild/Moderate OR Present evidence of at last three years of successful teaching experience in mild/moderate

\* \* \*

### Family Impact Statement

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746 Louisiana Standards  
for State Certification of School Personnel Policy  
for Add-On of Teaching Level and of Teaching  
Areas within Levels**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
This policy provides an objective standard for the add-on of teaching level endorsements and of teaching area endorsements within levels, forming a bridge from the old certification structure requirements to the new certification structure requirements. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This policy will make it easier for certified teachers to acquire additional teaching certification areas, which will increase employment opportunities for these individuals.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#044

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746 Louisiana Standards for State Certification of School Personnel Types of Certificates for Speech/Language Pathology Assistants (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy removes the words "Level 1" from the initial Speech/Language Pathology Type C certificate title, allowing the word "assistant" to designate the requirement of supervision. Later, when a master's degree has been earned and all other requirements of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology have been completed, the word "assistant" can be removed from the certificate. This policy will allow the fully sanctioned professional to practice without the word "assistant" on his or her certificate.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations  
A. Bulletin 746**

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:

**Types of Certificates for  
Speech/Language Pathology Assistants**

The following provisions will govern all speech/language pathology assistants certified after Spring Semester 1996.

**Type C**

A type C certificate for Speech/Language Pathology Assistant, valid for three years and renewable, may be issued to an individual who earns a baccalaureate degree from a regionally accredited institution, including completion of the undergraduate portion of an educational training program, approved by the State Board of Elementary and Secondary Education, in disorders of communication (speech, language, and hearing disorders), with credits distributed as provided for speech, language, and hearing specialists, including general, professional, and specialized academic education and has completed at least 100 clock hours of supervised clinical practicum.

Assistant designates the requirement of supervision by a certified and licensed speech/language pathologist. When a master's degree is earned in disorders of communication (speech, language, and hearing disorders), and when all mandatory supervised experiences and other requirements of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology have been completed, the designation requiring supervision shall be removed upon request.

**Ancillary Certificate**

An ancillary certificate for Speech/Language Pathology Assistant, valid for three years and renewable, may be issued to an individual who has earned a baccalaureate degree in speech/language pathology from a regionally accredited institution and has completed at least 100 clock hours of supervised clinical practicum.

Assistant designates the requirement of direct supervision by a certified and licensed speech/language pathologist.

Ancillary Speech/Language Pathology Assistant certificates authorize service as a speech pathology assistant only, not as a regular classroom teacher.

Mandatory September 20, 1996  
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### Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., October 9, 2003, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: **Bulletin 746 Louisiana Standards for State Certification of School Personnel Types of Certificates for Speech/Language Pathology Assistants**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
This policy removes the words "Level 1" from the initial Speech/Language Pathology Type C certificate title, allowing the word "assistant" to designate the requirement of supervision. Later, when a master's degree has been earned and all other requirements of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology have been completed, the word "assistant" can be removed from the certificate. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0308#046

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)  
(LAC 33:III.2201)(AQ234)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2201 (Log #AQ234).

The revision proposes reasonably available control technology (RACT) rules for sources of nitrogen oxides (NO<sub>x</sub>) emissions in the five-parish Baton Rouge ozone nonattainment area that are subject to the new lower major stationary source threshold of 25 tons per year. The proposed revision also includes Rule clarifications. On April 24, 2003, the Environmental Protection Agency reclassified or "bumped up" by operation of law the Baton Rouge ozone nonattainment area from a classification of "serious" to "severe", effective June 23, 2003 (68 FR 20077). The five-parish Baton Rouge ozone nonattainment area includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. Under Section 182(i) of the 1990 Clean Air Act Amendments (CAAA), serious ozone nonattainment areas reclassified to severe are required to submit State Implementation Plan revisions addressing the severe area requirements for the one-hour ozone National Ambient Air Quality Standard. Under Section 182(d) of the 1990 CAAA, severe area plans must include requirements for RACT rules for sources of NO<sub>x</sub> emissions of 25 tons per year, which is the new lower major source threshold in the five-parish Baton Rouge ozone nonattainment area. This Rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale of this Rule are to comply with the provisions of the 1990 Clean Air Act Amendments.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### Title 33 ENVIRONMENTAL QUALITY Part III. Air

#### Chapter 22. Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)

#### §2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A. - A.3. ...

B. Definitions. Unless specifically defined in this Subsection or in LAC 33:III.111 or 502, the words, terms, and abbreviations in this Chapter shall have the meanings commonly used in the field of air pollution control. For purposes of this Chapter only, the following definitions shall supersede any definitions in LAC 33:III.111 or 502.

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**Affected Facility** Any facility within the Baton Rouge Nonattainment Area with one or more affected point sources that collectively emit or have the potential to emit 25 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section, or any facility within the Region of Influence with one or more affected point sources that collectively emit or have the potential to emit 50 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section.

\*\*\*

**Averaging Capacity** The average actual heat input rate in million British thermal units per hour (MMBtu/hour) at which an affected point source operated during the ozone season of the two calendar years of 2000 and 2001 (e.g., the total heat input for the period divided by the actual hours of operation for the same period). Another period may be used to calculate the averaging capacity if approved by the department. For units with permit revisions that legally curtailed capacity or that were permanently shut down after 1997, the averaging capacity is the average actual heat input during the last two ozone seasons of operation before the curtailment or shutdown.

\*\*\*

**Combined Cycle** combustion equipment configuration that generates electrical or mechanical power with a stationary gas or liquid-fired turbine and/or a stationary internal combustion engine and that recovers heat from the discharge within equipment to heat water or generate steam.

\*\*\*

**Low Ozone Season Capacity Factor Boiler or Process Heater/Furnace** a boiler or process heater/furnace in the Baton Rouge Nonattainment Area with maximum rated capacity greater than or equal to 40 MMBtu/hour and ozone season heat input less than or equal to 0.46 x 10<sup>11</sup> Btu, or in the Region of Influence with maximum rated capacity greater than or equal to 80 MMBtu/hour and ozone season heat input less than or equal to 0.92 x 10<sup>11</sup> Btu.

\*\*\*

**Nitrogen Oxides (NO<sub>x</sub>)** The sum of the nitric oxide and nitrogen dioxide in a stream as measured by the test methods in Subsection G of this Section.

\*\*\*

C. ...

1. boilers and process heater/furnaces with a maximum rated capacity of less than 40 MMBtu/hour in the Baton Rouge Nonattainment Area or less than 80 MMBtu/hour in the Region of Influence;

2. stationary gas turbines with a megawatt rating based on heat input of less than 5 MW in the Baton Rouge Nonattainment Area or less than 10 MW in the Region of Influence;

3. stationary internal combustion engines as follows:

a. rich-burn engines with a rating of less than 150 horsepower (Hp) in the Baton Rouge Nonattainment Area or less than 300 Hp in the Region of Influence; and

b. lean-burn engines with a rating of less than 150 Hp in the Baton Rouge Nonattainment Area or less than 1500 Hp in the Region of Influence;

4. - 7. ...

8. any point source during start-up and shutdown as defined in LAC 33:III.111 or during a malfunction as defined in 40 CFR Section 60.2 (This exemption does not

apply to units that are shut down intentionally on a routine basis, more than once per month.);

9. - 20. ...

D. Emission Factors

1. The following tables list NO<sub>x</sub> emission factors that shall apply to affected point sources located at affected facilities in the Baton Rouge Nonattainment Area or the Region of Influence.

Table D-1A. Emission Factors for Sources in the Baton Rouge Nonattainment Area		
Category	Maximum Rated Capacity	NOx Emission Factor <sup>a</sup>
Electric Power Generating System Boilers:		
Coal-fired	>= 40 to <80 MMBtu/Hour	0.50 pound/MMBtu
	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Industrial Boilers	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Process Heater/Furnaces:		
Ammonia Reformers	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 40 to <80 MMBtu/Hour	0.18 pound/MMBtu
	>= 80 MMBtu/Hour	0.08 pound/MMBtu
Stationary Gas Turbines:		
Peaking Service, Fuel Oil-fired	>= 5 to <10 MW	0.37 pound/MMBtu
	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 5 to <10 MW	0.27 pound/MMBtu
	>= 10 MW	0.20 pound/MMBtu
All Others	>= 5 to <10 MW	0.24 pound/MMBtu <sup>b</sup>
	>= 10 MW	0.16 pound/MMBtu <sup>c</sup>
Stationary Internal Combustion Engines:		
Lean-burn	>= 150 to <320 Hp	10 g/Hp-hour
	>= 320 Hp	4 g/Hp-hour
Rich-burn	>= 150 to <300 Hp	2 g/Hp-hour
	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> based on the higher heating value of the fuel.

<sup>b</sup> equivalent to 65 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu.

<sup>c</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu.

Table D-1B. Emission Factors for Sources in the Region of Influence		
Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
Electric Power Generating System Boilers:		
Coal-fired	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Industrial Boilers	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Process Heater/Furnaces:		
Ammonia Reformers	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 80 MMBtu/Hour	0.08 pound/MMBtu
Stationary Gas Turbines:		
Peaking Service, Fuel Oil-fired	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 10 MW	0.20 pound/MMBtu
All Others	>= 10 MW	0.16 pound/MMBtu <sup>b</sup>
Stationary Internal Combustion Engines:		
Lean-burn	>= 1500 Hp	4 g/Hp-hour
Rich-burn	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> all factors are based on the higher heating value of the fuel.

<sup>b</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu.

2. - 3. ...

4. For all other affected point sources, the emission factors from Subsection D of this Section shall apply as the mass of NO<sub>x</sub> emitted per unit of heat input (pounds NO<sub>x</sub> per MMBtu or grams NO<sub>x</sub> per Hp-hour), on a 30-day rolling average basis. Alternatively, a facility may choose to comply with a cap as detailed in Paragraph D.3 of this Section, provided that a system, approved by the department, is installed, calibrated, maintained, and operated to demonstrate compliance.

D.5. - F.1. ...

a. An owner or operator may obtain approval to install and operate NO<sub>x</sub> control equipment that does not result in ammonia emissions above the minimum emission rate (MER) in LAC 33:III.Chapter 51 by submitting documentation in accordance with LAC 33:III.511. This documentation shall include an estimate of any carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub>), and/or volatile organic compound (VOC) emission increases associated with the NO<sub>x</sub> control technology. If approved, the administrative authority shall grant an authorization to construct and operate in accordance with LAC 33:III.501.C.3. Any appropriate permit application reflecting the emission reduction shall be submitted to the department and deemed administratively complete no later than 180 days after commencement of operation and in accordance with the procedures of LAC 33:III.Chapter 5.

1.b. - 4. ...

5. Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR)

Considerations. A significant net emissions increase in NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and/or VOC in accordance with LAC 33:III.504 or 509, that is a direct result of, and incidental to, the installation of NO<sub>x</sub> control equipment or implementation of a NO<sub>x</sub> control technique required to comply with the provisions of this Chapter shall be exempt from the requirements of LAC 33:III.509 and/or 504, as appropriate, provided the following conditions are met:

a. - b.ii. ...

c. notwithstanding the requirements of Table 1 of LAC 33:III.504, a significant net increase of VOC emissions at an affected facility located in the Baton Rouge Nonattainment Area shall be offset at a ratio of at least 1:1. Offsets shall be surplus, permanent, quantifiable, and federally enforceable and calculated in accordance with LAC 33:III.Chapter 6; and

F.5.d. - G.1. ...

2. Emissions testing is required for all point sources that are subject to the emission limitations of Subsection D of this Section or used in one of the alternative plans of Subsection E of this Section. Test results must demonstrate that actual NO<sub>x</sub> emissions are in compliance with the appropriate limits of this Chapter. As applicable, CO, SO<sub>2</sub>, PM<sub>10</sub>, and VOC shall also be measured if modifications, done to comply with this Chapter, could cause an increase in emissions of any of these compounds. Performance testing of these point sources shall be performed in accordance with the schedule specified in Subsection J of this Section.

G.3. - H. ...

1. The owner or operator of boilers that are subject to this Chapter shall demonstrate continuous compliance as follows:

a. - b.ii. ...

iii. install, calibrate, maintain, and operate a NO<sub>x</sub> CEMS to demonstrate continuous compliance with the NO<sub>x</sub> emission factors of Subsection D or E of this Section, as applicable. The CEMS shall meet all of the requirements of 40 CFR Part 60.13 and performance specification 2 of 40 CFR 60, Appendix B, or the requirements of 40 CFR Part 75 for units regulated under the Acid Rain Program; and

iv. - vi. ...

2. The owner or operator of process heater/furnaces that are subject to this Chapter shall demonstrate continuous compliance as follows:

a. - b.vi. ...

3. The owner or operator of stationary gas turbines that are subject to this Chapter shall demonstrate continuous compliance as follows:

H.3.a. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 29:

A public hearing will be held on September 24, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed Rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an

## NOTICE OF INTENT

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ234. Such comments must be received no later than October 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to [lynnw@ldeq.org](mailto:lynnw@ldeq.org). Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ234.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Control of Emissions of Nitrogen Oxides

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no known implementation costs or savings to state or local governmental units.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State government emissions fee collections are estimated to be reduced by a very minimal amount, probably less than \$1,000, due to estimated reductions of 70 to 80 tons per year that will result from the changes being made to the rule. Precise numbers are not available.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that this rule will affect about 20 facilities that emit between 25 and 50 tons per year of nitrogen oxides in the Baton Rouge ozone nonattainment area. Anticipated costs are believed to be low, because some of these facilities may already be operating at the required level or they may be exempt; but no supporting data is available.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition or employment is anticipated.

Thomas C. Bickham, III  
Undersecretary  
0308#064

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

Control of Emission of Organic Compounds  
(LAC 33:III.2104, 2108, 2115, 2123, 2125,  
2143, 2147, 2149, 2151, and 2153)(AQ236)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2104, 2108, 2115, 2123, 2125, 2143, 2147, 2149, 2151, and 2153 (Log #AQ236).

This Rule proposes reasonably available control technology (RACT) regulations for sources of VOC emissions in the five-parish Baton Rouge ozone nonattainment area that are subject to the new lower major stationary source threshold of 25 tons per year. This Rule also provides clarification to some language that was unclear or confusing. On April 24, 2003, the Environmental Protection Agency reclassified or "bumped up" by operation of the law the Baton Rouge ozone nonattainment area from a classification of "serious" to "severe", effective June 23, 2003 (68 FR 20077). The five-parish Baton Rouge ozone nonattainment area includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. Under Section 182(i) of the 1990 Clean Air Act Amendments (CAAA), serious ozone nonattainment areas reclassified to severe are required to submit State Implementation Plan revisions addressing the severe area requirements for the one-hour ozone National Ambient Air Quality Standard. Under Section 182(d) of the 1990 CAAA, severe area plans must include requirements for RACT rules for sources of VOC emissions of 25 tons per year, which is the new lower major threshold in the five-parish Baton Rouge ozone nonattainment area. This Rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to comply with the provisions of the 1990 Clean Air Act Amendments.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

### Title 33 ENVIRONMENTAL QUALITY Part III. Air

#### Chapter 21. Control of Emission of Organic Compounds

##### Subchapter A. General

##### §2104. Crude Oil and Condensate

A. Applicability. This Section applies to any oil and gas production facility (SIC Code 1311), natural gas processing plant (SIC Code 1321), or natural gas transmission facility (SIC Code 4922) that has a potential to emit 25 Tons Per Year (TPY) or more of flash gas to the atmosphere in the

parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; more than 50 TPY of flash gas to the atmosphere in the parish of Calcasieu; or more than 100 TPY of flash gas to the atmosphere in any other parish.

B. - C.1. ...

2. For facilities in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge with a potential to emit less than 250 tons per year of flash gas, aggregated facility flash gas emissions shall be reduced by a minimum of 95 percent or, by means of a federally enforceable permit revision, reduced to a potential to emit of less than 25 TPY.

3. For facilities in the parish of Calcasieu with a potential to emit less than 250 tons per year of flash gas, aggregated facility flash gas emissions shall be reduced by a minimum of 95 percent or, by means of a federally enforceable permit revision, reduced to a potential to emit of less than 50 TPY.

4. For facilities in parishes other than Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, and West Baton Rouge with a potential to emit less than 250 tons per year of flash gas, aggregated facility flash gas emissions shall be reduced by a minimum of 95 percent or, by means of a federally enforceable permit revision, reduced to a potential to emit of less than 100 TPY.

D. - D.3. ...

E. Compliance Schedule. For equipment located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, compliance shall be achieved as soon as practicable, but no later than September 1, 1998. For equipment located in the parish of Calcasieu with a potential to emit less than 100 TPY, compliance shall be achieved as soon as practicable, but no later than August 20, 2003. For all other facilities compliance shall be achieved as soon as practicable, but no later than May 1, 1999. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

F. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1497 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1764 (August 2002), LR 29:

### §2108. Marine Vapor Recovery

A. Applicability. An affected facility is any marine loading operation serving ships and/or barges loading crude oil, gasoline, or volatile organic compounds (VOC) with a potential to emit 25 tons per year (TPY) or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, or 100 TPY or greater of VOC in any other parish. Emissions from VOC with a true vapor pressure of less than 1.5 psia at the loading temperature of the liquid are exempt from the control requirements of this Section.

B. - D.3. ...

4. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

E. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 29:

### §2115. Waste Gas Disposal

Any waste gas stream containing volatile organic compounds (VOC) from any emission source shall be controlled by one or more of the applicable methods set forth in Subsections A-G of this Section. This Section shall apply to all waste gas streams located at facilities that have the potential to emit 25 TPY or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee; or 100 TPY or more of VOC in any other parish. This Section does not apply to waste gas streams that must comply with a control requirement, meet an exemption, or are below an applicability threshold specified in another section of this Chapter. This Section does not apply to waste gas streams that are required by another federal or state regulation to implement controls that reduce VOC to a more stringent standard than would be required by this Section.

A. - H.1. ...

a. it can be demonstrated that the waste gas stream is not a part of a facility that emits, or has the potential to emit, 25 TPY or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee; or 100 TPY or more of VOC in any other parish;

H.1.b. - I.5. ...

J. Compliance. All facilities affected by this Section shall be in compliance as soon as practicable but in no event later than August 20, 2003. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

J.1. - M. *Waste Gas Stream*. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:960 (November 1990), LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 19:317 (March 1993), LR 22:1212 (December 1996), LR 24:21 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1764 (August 2002), LR 29:

## **Subchapter B. Organic Solvents**

### **§2123. Organic Solvents**

A. - D.7. ...

a. the affected portion of the facility will not emit more than 25 tons per year (TPY) of VOC if the facility is located in the parish of Ascension, East Baton Rouge, Iberville, Livingston, or West Baton Rouge, or more than 50 TPY of VOC if located in any other parish;

D.7.b. - G. *Repair and Maintenance Thermoplastic Coating*. ...

H. Timing. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 29:

## **Subchapter C. Vapor Degreasers**

### **§2125. Vapor Degreasers**

A. - C.2.j. ...

D. Exemptions. Except as required in this Subsection, a vapor degreaser emitting 100 pounds (45 kilograms) or less of volatile organic compounds (VOC) in any consecutive 24-hour period (uncontrolled) is exempt from the provisions of this Section provided the total emissions from all the vapor degreasers at the facility combined are less than 100 tons per year of VOC, uncontrolled. If these two conditions are not met, the provisions of this Section must apply. For the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, the requirements of this Section apply to all solvent metal cleaners, except as follows.

D.1. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:962 (November 1990), LR 18:1122 (October 1992), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1765 (August 2002), LR 29:

## **Subchapter H. Graphic Arts**

### **§2143. Graphic Arts (Printing) by Rotogravure and Flexographic Processes**

A. Control Requirements. No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility having a potential to emit 25 TPY or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; having a potential to emit 50 TPY or more of VOC in the parishes of Calcasieu and Pointe

Coupee; or having a potential to emit 100 TPY or more of VOC in any other parish, unless VOC emissions are controlled by one of the methods in Paragraphs A.1-5 of this Section. Once a facility is subject to the provisions of this Section, it remains so regardless of future variations in production.

I. - 5. ...

B. Applicability Exemption. A rotogravure or flexographic printing facility that has the potential to emit, at full production (8760 hours per year basis), a combined weight of VOC of less than 25 TPY in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; less than 50 TPY in the parishes of Calcasieu and Pointe Coupee; or less than 100 TPY in any other parish, calculated from historical records of actual consumption of ink, is exempt from the provisions of Subsections A and C of this Section and need only comply with Subsection D of this Section.

C. - D.3. ...

E. Timing. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:964 (November 1990), LR 18:1123 (October 1992), LR 22:1212 (December 1996), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1796 (October 1999), LR 28:1765 (August 2002), LR 29:

## **Subchapter J. Limiting Volatile Organic Compound (VOC) Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)**

### **§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations**

A. Applicability

1. The provisions of this Subchapter apply to any vent stream discharging to the atmosphere and originating from a process unit in which a reactor process or distillation operation is located. This Subchapter shall apply to all vents located at facilities that emit, or have the potential to emit, 25 tons per year (TPY) or more of volatile organic compounds (VOC), plantwide, in the affected parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, or 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee. Once an operation is considered to be covered by this Subchapter, it shall be so considered ad infinitum. A decision tree is provided (Figure 1) to facilitate determination of applicability to this Subchapter on a per vent basis. The total resource effectiveness (TRE) index value may be applied on an individual process vent stream basis for a given process unit. Compliance with this rule shall be attained within a period of two years after promulgation. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section

as soon as practicable, but in no event later than one year from the promulgation of the regulation revision. Any emission source that is subject to this rule and to the Waste Gas Disposal Rule (LAC 33:III.2115) shall comply with this rule only. This rule shall apply only to Standard Industrial Major Code 28.

A.2. - Figure 1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:380 (April 1995), amended LR 22:1212 (December 1996), LR 23:1508 (November 1997), LR 23:1510 (November 1997), LR 23:1679 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

**Subchapter K. Limiting Volatile Organic Compound (VOC) Emissions from Batch Processing**

**§2149. Limiting VOC Emissions from Batch Processing**

**A. Applicability**

1. The provisions of this Subchapter apply to process vents associated with batch processing operations. This Subchapter shall apply to the stationary sources that emit, or have the potential to emit, 25 tons per year (TPY) or more of VOC in the affected parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, or 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee. Once an operation is considered to be covered by this Subchapter, it shall be so considered ad infinitum. The scope of affected industries is limited to those industries in the following standard industrial classification (SIC) codes: 2821, 2833, 2834, 2861, 2865, 2869, 2879. Compliance with this rule shall be attained within a period of two years after promulgation. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision. Any emission source that is subject to this rule and to the Waste Gas Disposal Rule (LAC 33:III.2115) shall comply with this rule only.

A.2. - G.2.c.v. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:387 (April 1995), amended LR 22:1212 (December 1996), LR 23:1507 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

**Subchapter L. Limiting Volatile Organic Compound (VOC) Emissions from Cleanup Solvent Processing**

**§2151. Limiting VOC Emissions from Cleanup Solvent Processing**

A. Applicability. The provisions of this Subchapter apply to stationary sources that emit, or have the potential to emit, 25 TPY or more of VOC and conduct one or more of the affected cleaning operations in the parish of Ascension, East Baton Rouge, Iberville, Livingston, or West Baton Rouge, or 50 TPY or more of VOC and conduct one or more of the affected cleaning operations in the parish of Calcasieu or Pointe Coupee. Once a source is subject to this Subchapter,

it shall be so ad infinitum. Affected cleaning operations are ones that use solvents in the following operations:

A.1. - E. ...

F. Timing. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:391 (April 1995), amended LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:

**Subchapter M. Limiting Volatile Organic Compound (VOC) Emissions From Industrial Wastewater**

**§2153. Limiting VOC Emissions From Industrial Wastewater**

A. Definitions. Unless specifically defined in LAC 33:III.111, the terms in this Chapter shall have the meanings normally used in the field of air pollution control. Additionally the following meanings apply, unless the context clearly indicates otherwise.

*Affected Source Category* Any facilities of the following source categories located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge and having the potential to emit 25 TPY or more of VOC, or located in the parishes of Calcasieu and Pointe Coupee and having the potential to emit 50 TPY or more of VOC:

a. - d. ...

\*\*\*

B. - H.5. ...

I. Parishes and Compliance Schedules. For the affected facilities in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, any person who is the owner or operator of an affected source category within a plant shall be in compliance with these regulations no later than November 15, 1996. If an additional affected VOC wastewater stream is generated as a result of a process change, the wastewater shall be in compliance with this Section upon initial startup or by November 15, 1998, whichever is later, unless the owner or operator demonstrates to the administrative authority\* that achieving compliance will take longer. If this demonstration is satisfactory to the administrative authority\*, compliance shall be achieved as expeditiously as practicable, but in no event later than three years after the process change. An existing wastewater stream that becomes an affected VOC wastewater stream due to a process change must be in compliance with this Section as expeditiously as practicable, but in no event later than three years after the process change. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Air Quality Division, LR 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998), LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 29:

A public hearing will be held on September 24, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed Rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ236. Such comments must be received no later than October 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to [lynnw@ldeq.org](mailto:lynnw@ldeq.org). Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ236.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Control of Emission of Organic Compounds

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no known implementation costs or savings to state or local governmental units.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State government emissions fee collections are estimated to be reduced by a very minimal amount, probably less than \$1,000, due to estimated reductions of approximately 70 to 80 tons per year that will result from the changes being made to the rule. Precise numbers are not available.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that this rule will affect about 20 facilities that emit between 25 and 50 tons per year of volatile organic

compounds in the Baton Rouge ozone nonattainment area. Anticipated costs are believed to be low, because some of these facilities may already be operating at the required level or they may be exempt; but no supporting data is available.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Thomas C. Bickham, III  
Undersecretary  
0308#062

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Emissions Inventory, Toxics Emissions Reporting, and  
Related Fee Methodology  
(LAC 33:III.211, 918, 919, and 5107)(AQ220)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.211, 918, 919, and 5107 (Log #AQ220).

This Rule revision clarifies and updates requirements for emissions inventory. Since parish attainment designations may change, the charts listing the designations have been removed. The definition of "significant change" has been clarified in order to prevent confusion in its interpretation. In the past, the emissions inventory has been used to assess the criteria pollutant annual fees. This proposed Rule will link the emissions inventory directly to the appropriate fees section. Changes are being made in order to correlate LAC 33:III.919 with the recently promulgated Consolidated Emissions Reporting Rule (67 FR 39602-39616, No. 111, 6/10/02). PM<sub>2.5</sub> and ammonia are now specifically listed as required inventory pollutants. No additional data elements that are not already collected in the inventory are being required in these changes, though more are listed for Rule completeness. LAC 33:III.211 is being clarified to ensure that proper facilities are assessed Air Toxic Annual Emissions Fees. LAC 33:III.918 is being revised to strengthen the language for regulatory purposes and for correlation with LAC 33:III.919. LAC 33:III.5107 is being revised for housekeeping purposes to correct the submittal contact and address and the certification statement. This Rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for the revision to emissions inventory is clarification and compliance with federal requirements. The fee methodology and toxic emissions reporting changes are for clarification.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs**

**§211. Methodology**

A. - B.13.e. ...

14. Air Toxics Annual Emissions Fees based on actual annual emissions that occurred during the previous calendar year shall be assessed on major stationary sources of toxic air pollutants that are subject to the requirements at LAC 33:III.5109, including facilities granted approval through the permitting process.

15. - 15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:

**Chapter 9. General Regulations on Control of Emissions and Emissions Standards**

**§918. Recordkeeping and Annual Reporting**

A. Data for emissions reports shall be collected annually. These reports are to be submitted to the Office of Environmental Assessment, Environmental Evaluation Division by March 31 of each year (for the period January 1 to December 31 of the previous year) unless otherwise directed by the department. The report shall include all data applicable to the emissions source or sources as required under LAC 33:III.919.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:

**§919. Emissions Inventory**

Emissions inventory data shall be submitted to the department on magnetic media in the format specified by the Office of Environmental Assessment, Environmental Evaluation Division. *Facilities* are defined as all emissions points under common control on contiguous property. *Emissions point* is defined as the source of emissions that should have a Source Classification Code (SCC). Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories. The state point source emissions inventory will be compiled from the emissions inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that

may be requested from other federal, state, or local agencies or other private entities.

A. Applicability. The owner or operator of the following facilities shall submit annual emissions inventories to the Office of Environmental Assessment, Environmental Evaluation Division. The inventory shall include all air pollutants for which a National Ambient Air Quality Standard (NAAQS) has been issued and all NAAQS precursor pollutants.

1. Any facility located in a nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

- a. 10 tons per year (TPY) of volatile organic compounds (VOC);
- b. 25 TPY of nitrogen oxides (NO<sub>x</sub>);
- c. 100 TPY of carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), particulate matter of less than 10 microns (PM<sub>10</sub>), or particulate matter of less than 2.5 microns (PM<sub>2.5</sub>); or
- d. 10 TPY of lead (Pb).

2. Any facility located in a parish that adjoins a nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

- a. 50 TPY of VOC;
- b. 100 TPY of NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>; or
- c. 10 TPY of Pb.

3. Any facility located in an attainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

- a. 100 TPY of VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>; or
- b. 10 TPY of Pb.

4. Any facility in Louisiana defined as a major stationary source of hazardous air pollutants in Section 112(a)(1) of the Federal Clean Air Act (FCAA) or of toxic air pollutants in LAC 33:III.Chapter 51 is required to report.

5. Any facility in Louisiana that has a 40 CFR Part 70 (Title V) Operating Permit is required to report, regardless of emissions limits.

6. No facility classes or categories are exempted.

**B. Types of Inventories**

1. Annual Emissions Statement. Facilities as identified in Subsection A of this Section, shall submit an Annual Emissions Statement (AES) for all criteria pollutants for which a NAAQS has been issued and for NAAQS precursor pollutants. Except as provided in Subparagraph B.2.d of this Section, the AES shall consist of an inventory of actual emissions and the allowable (permitted) emissions limits of VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, Pb, PM<sub>10</sub>, PM<sub>2.5</sub>, and ammonia, and an annual Certification Statement in accordance with Subparagraph B.5.a of this Section. The emissions inventory may be an initial emissions inventory for facilities submitting their first emissions inventory, or an annual emissions inventory update for facilities which have previously submitted an emissions inventory. Actual emissions shall be reported for all sources of emissions at a facility, including fugitive emissions, flash gas emissions, insignificant sources, and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this Section, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with Subsection C of this Section, for the



calendar year or other period of time if requested by the department. *Excess emissions* are defined as emissions quantities greater than normal operations. Where there is an enforceable document, such as a permit, that establishes allowable levels, the AES shall include the allowable emissions level as identified in the permit Maximum Allowable Emissions Rate Table and the allowable tons per year.

2. Statewide Annual Emissions Inventory Update. After the initial submittal of an emissions inventory facilities as identified in Subsection A of this Section shall comply with the following requirements.

a. An update to the emissions inventory is required if there is a significant change in the values currently in the emissions reporting system for operating conditions including start-ups, shutdowns, or process changes at the source that results in an increase or reduction in annual emissions of an individual pollutant: VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, Pb, PM<sub>10</sub>, PM<sub>2.5</sub>, or ammonia. VOCs that are also toxic air pollutants shall be considered for the purpose of determining significant change. A *significant change* is defined as the lesser of the following:

- i. a 5 percent increase or decrease in the total potential or actual emissions from the facility;
- ii. a 50 ton per year increase or decrease in the total potential or actual emissions from the facility; or
- iii. a 10 ton per year increase or decrease in the potential or actual emissions from any single emissions point (stack, vent, or fugitive).

b. An update to the emissions inventory is required if there is a cessation of all production processes and termination of operations at the facility.

c. An update to the minimum data submitted in accordance with Paragraph B.5 of this Section is required if there is any change.

d. Unless an update is required in accordance with Subparagraph B.2.a, b, or c of this Section, then only the Certification Statement is required for the annual submittal.

3. Ozone Nonattainment Area Requirement. Facilities in ozone nonattainment areas that meet the applicability in Paragraph A.1 of this Section shall submit an annual inventory. In addition to the minimum data requirements of Paragraph B.5 of this Section, the inventory shall consist of actual, annual emissions and typical weekday emissions that occur during the three-month period of greatest or most frequent ozone exceedances. *Typical weekday emissions* are defined as an average daily emissions rate that is calculated for each week of the three-month period of greatest or most frequent ozone exceedances. The department will indicate in the annual instructions which three-month period has the greatest or most frequent ozone exceedances in each ozone nonattainment area.

4. Special Inventories. Upon request by the administrative authority, any facility subject to any Rule of the Environmental Quality regulations, LAC Title 33, shall file additional emissions data with the department. The request shall specify a reasonable time for response, which shall not be less than 60 days from receipt of the request.

5. Minimum Data Requirements. The minimum data requirements for the emissions inventory are listed below. Operating and process rate information are provided for information only, and do not constitute permit limits.

Submittal of a report of excess emissions above allowable limits under this regulation does not pre-empt the need for compliance with LAC 33:III.Chapter 5 that requires a permit request to initiate or increase emissions, nor does it qualify as a notice of excess emissions. Format and submittal requirements will be published annually by the department. Any new or modified data requirements will be included in the annual requests for updates. Any substantive changes will be established in accordance with the Administrative Procedure Act. Except for the annual Certification Statement, the minimum data requirements apply to initial submittals only. Data requirements for updates require that only those data elements that have changed be submitted.

a. Certification Statement. A Certification Statement, required by Section 182(a)(3)(B) of the FCAA, shall be signed by a responsible company official as defined in LAC 33:III.502 and shall accompany each emissions inventory to attest that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The Certification Statement shall include the full name, title, signature, date of signature, and telephone number of the certifying official.

b. Facility Identification Information. The facility identification information shall include:

- i. full name, physical location, and mailing address of facility;
- ii. UTM horizontal and vertical coordinates of the facility's front gate and of each emissions point; and
- iii. SIC code(s).

c. Operating Information. The operating information shall include:

- i. percentage annual throughput by season. The four seasons will represent one calendar year. The first season, winter, will represent January, February, and December of the reporting year; spring will be March-May; summer will be June-August; and fall will be September-November;
- ii. days per week during the normal operating schedule;
- iii. hours per day during the normal operating schedule; and
- iv. weeks per year during the normal operating schedule.

d. Process Rate Data. The process rate data shall include:

- i. annual process rate (annual throughput). The SCC prescribes the units to be used with each SCC for annual fuel/process rate reporting;
- ii. in nonattainment parishes, peak ozone season daily process rate. The SCC prescribes the units to be used with each SCC for peak ozone season daily process rate reporting. *Peak ozone season daily process rate* is an average of emissions from a daily operation during the peak ozone season months; and
- iii. annual average heat, ash, and sulfur content and design capacity, where applicable.

e. Control Equipment Information. The control equipment information shall include:

- i. current primary and secondary control equipment; and
- ii. current control equipment efficiency (percent). The actual efficiency should reflect the total control

efficiency from all control equipment and include downtime and maintenance degradation. If the actual control efficiency is unavailable, the design efficiency or the control efficiency limit imposed by a permit shall be used.

f. Emissions Information. The emissions information shall include:

i. estimated actual criteria pollutant and precursor emissions at the emissions point level, in tons per year, if applicable, for an annual emissions rate and pounds per day for a typical ozone season day. Actual emissions estimates must include all emissions, i.e., upsets, downtime, fugitive emissions, and insignificant sources;

ii. permitted criteria pollutant and precursor emissions at the emissions point level in tons per year and in pounds per hour;

iii. estimated emissions method;

iv. calendar year for the emissions; and

v. emissions factor (if emissions were calculated using an emissions factor).

g. Stack Parameters. The stack parameters shall include:

i. stack height;

ii. stack diameter;

iii. exit gas temperature;

iv. exit gas velocity; and

v. exit gas flow rate.

C. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack testing is the desired method of calculating emissions from an emissions point. In lieu of CEMS data, emissions shall be calculated using the best available information. Sources of emissions factors include the Compilation of Air Pollution Emission Factors (AP-42), calculations published in Engineering Journals, or other EPA or department-approved estimation methodologies. In the event the emissions factors used to calculate emissions from a point source are inconsistent with factors used to establish permitted emissions, the facility shall include documentation of the inconsistency with the annual inventory report.

D. Reporting Requirements. The annual emissions inventory shall be submitted to the department no later than March 31 for the previous calendar year unless otherwise directed.

E. Enforcement. The department reserves the right to initiate formal enforcement actions, under R.S. 30:2025, for failure to submit emissions inventories as required in this Section.

F. Fees. The annual emissions inventory will be used to assess the criteria pollutant annual fee as per LAC 33:III.223.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:

## **Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

### **Subchapter A. Applicability, Definitions, and General Provisions**

#### **§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions**

A. Annual Emissions Reporting. The owner or operator of any stationary source that emits any toxic air pollutant listed in Table 51.1 or Table 51.3 shall submit a completed annual emissions report to the Office of Environmental Assessment, Environmental Evaluation Division in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted.

1. ...

2. Subsequent Annual Emissions Reports. After the initial annual emissions report, the owner or operator of any stationary source subject to the requirements in Subsection A of this Section shall submit a completed annual emissions report to the Office of Environmental Assessment, Environmental Evaluation Division on or before July 1 of each year. Each subsequent report shall identify the quantity of emissions of all toxic air pollutants listed in Table 51.1 or Table 51.3.

3. Initial and subsequent annual emissions reports and revisions to any emissions report shall include a certification statement to attest that the information contained in the emissions report is true, accurate, and complete, and signed by a responsible official, as defined in LAC 33:III.502. The certification statement shall include the full name of the responsible official, title, signature, date of signature, and phone number of the responsible official. The certification statement shall read:

"I certify, under penalty of perjury, that the emissions data provided is accurate to the best of my knowledge, information, and belief, and I understand that submitting false or misleading information will expose me to prosecution under state regulations."

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:

A public hearing will be held on September 24, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 North Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed Rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez

parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ220. Such comments must be received no later than October 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to [lynnw@ldeq.org](mailto:lynnw@ldeq.org). Copies of this proposed Regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ220.

This proposed Regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Emissions Inventory, Toxics Emissions Reporting, and Related Fee Methodology**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There will be no costs or savings to state or local governmental units as a result of this Rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effects on revenue collections of state or local governmental units are anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
No costs to directly affected persons or non-governmental groups are expected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition or employment is anticipated.

James H. Brent, Ph.D. Assistant Secretary 0308#066	Robert E. Hosse General Government Section Director Legislative Fiscal Office
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**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

**Nonattainment New Source Review Procedures  
(LAC 33:III.504)(AQ235)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the

secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 (Log #AQ235).

The purpose of the Rule change is to clarify the internal offset ratio that facilities must meet in serious and severe ozone nonattainment areas. The Baton Rouge Nonattainment Area is being reclassified from serious to severe as a result of failure to reach ozone attainment levels as mandated by the Clean Air Act. This action is being mandated by the US EPA. The basis and rationale for this Rule are to comply with the provisions of the Clean Air Act Amendments.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.Title 33

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 5. Permit Procedures**

**§504. Nonattainment New Source Review Procedures**

A. - A.5. ...

6. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after December 20, 2001 and prior to June 23, 2003, the provisions of this Section governing serious ozone nonattainment areas shall apply to VOC and NO<sub>x</sub> increases. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after June 23, 2003, the provisions of this Section governing severe ozone nonattainment areas shall apply to VOC and NO<sub>x</sub> increases.

B - D.2. ...

3. Notwithstanding Paragraph D.2 of this Section, in the case of any major stationary source located in an area classified as serious or severe, if the owner or operator of the source elects to offset the emissions increase by a reduction in emissions of VOC or NO<sub>x</sub>, as specified in Paragraph F.1 of this Section, from other operations, units, or activities within the source at an internal offset ratio of at least 1.40 to 1 (if reviewed under requirements for serious areas) or 1.50 to 1 (if reviewed under requirements for severe areas), then the requirements for LAER shall not apply.

D.4. - Table 1."PM<sub>10</sub>". ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 29:

A public hearing will be held on September 24, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed Rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez

parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ235. Such comments must be received no later than October 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to [lynnw@ldeq.org](mailto:lynnw@ldeq.org). Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ235.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Nonattainment New Source  
Review Procedures**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no known implementation costs or savings to state or local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no known effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There are no known estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There is no known effect on competition and employment.

Thomas C. Bickham, III  
Undersecretary  
0308#063

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

Waste Tire Regulations  
(LAC 33:VII.10505, 10519, 10525,  
10527, and 10533)(SW034)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.10505, 10519, 10525, 10527, and 10533 (Log #SW034).

The Rule clarifies and adds definitions and reporting requirements for collection centers, adds recall and adjustment tires to the fee system, changes the number of unmanifested tires that can be dropped off at collection centers from 20 to 5 per day per customer, and adds requirements for generators other than new tire dealers to maintain purchase receipts, inventory records, and sales invoices for three years. Waste tires are coming from out-of-state into the waste tire program. There is currently no fee collected on these tires, but they are processed, marketed, and paid for through the Louisiana Waste Tire Program. The basis and rationale for this Rule are to protect the Waste Tire Management Fund from being depleted by paying for ineligible out-of-state tires.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part VII. Solid Waste**

**Subpart 2. Recycling**

**Chapter 105. Waste Tires**

**§10505. Definitions**

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

\* \* \*

*Adjustment Tire* — a tire that becomes unusable for any reason within the manufacturer's control and is returned to the dealer under a tire warranty by the tire manufacturer. Tire adjustments are initiated by the consumer.

\* \* \*

*Eligible Tire* A generated waste tire for which a fee was charged as per LAC 33:VII.10519.E.2.

\* \* \*

*Recall Tire* A tire that is specified as defective by the manufacturer and returned to the dealer so that the dealer may provide a replacement or repair. Recalls are initiated by the manufacturer.

\* \* \*

*Used Tire* A tire that can be salvaged and sold as a good, functional vehicle tire.

*Used Tire Dealer* Any person, business, or firm that engages in the sale of used tires for use on motor vehicles.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:

### **§10519. Standards and Responsibilities of Generators of Waste Tires**

A. - E.1. ...

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire, upon sale of each new tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every new tire sold, unless the purchaser elects to retain the waste tire."

F. - O. ...

P. Generators other than new tire dealers (e.g., used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:

### **§10525. Standards and Responsibilities of Waste Tire Processors**

A. Receipt of Tires

1. Upon receiving a shipment containing waste tires, the processor shall be responsible for verifying the number of waste tires in the shipment by actually counting each waste tire. The processor shall sign each waste tire manifest

upon receiving waste tires. In order to be reimbursed from the Waste Tire Management Fund, processors shall only accept eligible tires from authorized Louisiana transporters or from generators as specified in LAC 33:VII.10519.K.

2. Each processor shall accept no more than five unmanifested tires per day per customer. The processor shall maintain a log for all unmanifested loads. The log shall include, at the minimum, the following:

- a. the name and address of the customer;
- b. the license plate number of the vehicle delivering the tires;
- c. the phone number of the customer;
- d. the number of tires received;
- e. the date;
- f. the time; and
- g. the signature of the customer delivering the tires.

B. - F. ...

G. Processors shall maintain a complete set of records pertaining to manifested tires or shredded waste tire material coming in or leaving their place of business. This shall include, but is not limited to, manifests, monthly reimbursement reports, records of all payments from/to end markets, inventory records, logs, any documents related to out-of-state tire activity, and financial records. These records shall be maintained for a period of no less than three years and shall be open for inspection by the administrative authority at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2779 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 28:1953 (September 2002), LR 29:

### **§10527. Standards and Responsibilities for Waste Tire Collectors and Collection Centers**

A. Receipt of Tires

1. All collection center operators shall satisfy the manifest requirements of LAC 33:VII.10533. All collection center operators shall be responsible for counting the tires in the shipment. The collection center shall report monthly to the administrative authority, due no later than the fifteenth of the following month, the total number of tires received at the facility. These records shall be maintained by the collection center for a minimum of three years and are subject to audit by the administrative authority.

2. Each collection center shall accept no more than five unmanifested tires per day per customer. The collection center shall maintain a log for all unmanifested loads. The log for all unmanifested loads shall include, at the minimum, the following:

- a. the name and address of the customer;
- b. the license plate number of the vehicle delivering the tires;
- c. the phone number of the customer;
- d. the number of tires received;
- e. the date;

- f. the time; and
- g. the signature of the customer delivering the tires.

B. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 29:

**§10533. Manifest System**

A. All shipments of more than 20 waste tires shall be accompanied by a waste tire manifest provided by the department and executed in accordance with this Section. Tires transported in Louisiana that are not eligible tires, as defined in LAC 33:VII.10505, shall be clearly labeled ineligible on the manifest.

B. - D. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 29:

A public hearing will be held on September 24, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW034. Such comments must be received no later than October 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to [lynnw@ldeq.org](mailto:lynnw@ldeq.org). Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW034.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Waste Tire Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
No implementation costs or savings to state or local governmental units are expected as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule. Any additional collections by the state would only occur in the event of a manufacturer's recall of tires.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There should be no costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the implementation of this rule. Any additional costs would be borne by the manufacturer of the recalled tires if they entered our system. Used tire dealers will be affected by this rule in that they will have to maintain sales and purchase receipts for used tires bought and sold.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition and employment are not expected to be affected as a result of the implementation of this rule.

James H. Brent, Ph.D. Assistant Secretary 0308#065	Robert E. Hosse General Government Section Director Legislative Fiscal Office
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**NOTICE OF INTENT**

**Office of the Governor  
Commission on Law Enforcement and  
Administration of Criminal Justice**

Crime Victim Assistance (LAC 22:III.4901, 4903, and 4905)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 15:1207 and 1207, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice hereby gives notice that rulemaking procedures have been initiated to amend the Rule regarding the administration of the Crime Victim Assistance Fund. There is no expected impact on family earnings and family budget as set forth in R.S. 49:972.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE AND LAW  
ENFORCEMENT**

**Part III. Commission on Law Enforcement and  
Administration of Criminal Justice  
Subpart 5. Crime Victim Assistance**

**Chapter 49. Policies and Procedures  
§4901. Introduction**

A. The issues of services to victims of crime, underserved victims and an increased awareness of the prevalence and severity of domestic violence and violence against women coupled with the increased availability of federal funds to address these issues at the state, regional and local levels, have led to federal grant programs designed to focus on these topics. The Louisiana Commission on Law

Enforcement has been named as the cognizant state agency for the federal programs and will make available to appropriate non-profit and public agencies grant funds, to be spent in accordance with federal program guidelines and the guidelines of the Victim Services Advisory Board and the Louisiana Commission on Law Enforcement.

B. The Victims of Crime Act of 1984 (VOCA) established within the U.S. Treasury an account funded by federal fines, penalties and forfeited bail bonds to be used for the purpose of funding victim assistance grants to the states. These grants are to be used for programs that provide direct services to victims of crime, with priority given to programs that have as their principal mission direct assistance to victims of sexual assault, spouse abuse, child abuse and previously underserved victims of crime. VOCA funds in the state are administered by the Louisiana Commission on Law Enforcement in consultation with the Victim Services Advisory Board to the Commission. The VOCA program in Louisiana is administered pursuant to the federal regulations in effect for the program.

C. For more information, interested persons may contact the Victim Services Section of the Louisiana Commission on Law Enforcement.

D. The Violence Against Women Act (VAWA) of 1994 is enabling legislation that has as its intent the reduction of violence to encourage states and localities to restructure and strengthen their criminal justice response to this issue and to be proactive in dealing with the problem of domestic violence. The STOP (Services-Training-Officers-Prosecution) Program is the implementation aspect of VAWA and seeks to develop and strengthen effective law enforcement and prosecution strategies to combat violent crime against women and to develop and strengthen victim services in cases involving violent crimes against women. Unlike VOCA, monies are appropriated by Congress for this program. These funds are divided equally between law enforcement, prosecution and non-profit service providers and are administered by the Louisiana Commission on Law Enforcement in consultation with Victim Services Advisory Board. The VAWA program in Louisiana is administered pursuant to the federal regulations in effect for the program.

E. For more information, interested persons may contact the Victim Services Section of the Louisiana Commission on Law Enforcement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and 1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 15:1071 (December 1989), amended LR 29:

#### **§4903. Application Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and 1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 15:1072 (December 1989), repealed LR 29:

#### **§4905. Application Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and 1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 15:1074 (December 1989), repealed LR 29:

Interested persons may submit comments to Din LeBlanc at 1885 Wooddale Boulevard, Baton Rouge, LA 70806 by September 10, 2003.

Michael A. Ranatza  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Crime Victim Assistance**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
This is an update of an existing Rule; no costs or savings are expected. In addition, no increase in calls on workload that would increase costs to the agency are expected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effect on revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
No impact on estimated costs or economic benefits to individuals or nongovernmental groups is expected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition or employment is anticipated.

Michael A. Ranatza  
Executive Director  
0308#053

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Office of the Governor Division of Administration Office of Group Benefits**

#### **Participant Employer Responsibilities Group Benefits Coordinator (LAC 32:I.1501)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to require each participant employer to designate an individual as Group Benefits Coordinator and point of contact for any notice, demand, communication, or payment between the participant employer and OGB, including notice and communication from OGB to plan participants. The reason for this action is to improve communications between OGB and participating employer agencies and to facilitate the administration of benefits for all OGB plan participants. The proposed Rule has no known impact on family formation, stability, or autonomy.

Accordingly, OGB hereby gives Notice of Intent to adopt the following Rule to become effective upon promulgation.

**Title 32**  
**EMPLOYEE BENEFITS**  
**Part I. General Provisions**

**Chapter 15. Participant Employer Responsibilities**

**§1501. Group Benefits Coordinator**

A. Each *participant employer* shall designate an individual as Group Benefits Coordinator and point of contact for any notice, demand, communication, or payment between the *participant employer* and the Office of Group Benefits (OGB), including notice and communication from the OGB to plan participants. Such designation shall be made on a form provided by the OGB, signed by the head of the *participant employer*, providing essential contact information, including, but not limited to, name, job title, physical address, mailing address, telephone number, facsimile transmission number, and electronic mail address, and shall be submitted to the OGB between January 1 and January 15 of each year. It shall be the responsibility of the *participant employer* to notify the OGB of a change in Group Benefits Coordinator during the year within 10 working days of a change in the designation of the Group Benefits Coordinator. Failure to appoint a Group Benefits Coordinator, notify the OGB of a change of Group Benefits Coordinator, or submit the required Group Benefits Coordinator appointment timely shall result in a fine of not more than \$100 per day.

B. As used in this section, the term *participant employer* means a state entity, school board, or a state political subdivision authorized by law to participate in the OGB program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Friday, September 26, 2003.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT**  
**FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Participant Employer**  
**Responsibilities of Group Benefits Coordinator**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule change will require each employer agency participating in the Office of Group Benefits (OGB) to designate a Benefits Coordinator to act as a liaison between their agency and OGB. This designation will be made annually by the head of the agency between January 1 and January 15. Failure to appoint a Benefits Coordinator shall result in a fine of not more than \$100 per day. Printing costs are estimated to be \$3000 for the promulgation of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule will require the agency head of each employer agency that participates in the OGB to appoint a Benefits Coordinator between their agency and OGB. This Coordinator will serve as a point of contact for any notice, demand, communication, coordination of eligibility and enrollment, or payment between the employer agency and OGB.

Failure to make this appointment between January 1 and January 15 of each year shall result in a fine of not more than \$100 per day. This could result in an annual maximum fine of \$36,500 for an employer agency. However it is expected that all participant agencies will make the necessary appointment and as such do not anticipate any additional increase in revenues to OGB.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0308#030

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals**  
**Office of the Secretary**  
**Bureau of Health Services Financing**

Durable Medical Equipment Program  
Nebulizers  
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following proposed Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 2002-2003 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, and utilization review, and other measures as allowed by federal law." This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides reimbursement for nebulizers through the Durable Medical Equipment Program based on authorization of medical necessity. A nebulizer is a device used to change liquid medication into an aerosol, so that it can be inhaled and quickly absorbed. Reimbursement for nebulizers was established at the lower of \$95 or the provider's usual and customary charge. As a result of a budgetary shortfall, the bureau reduced the reimbursement for nebulizers to the lower of \$60 or the provider's usual and customary charge (*Louisiana Register, Volume 29, Number 4*). The bureau proposes to promulgate this proposed Rule to continue the provisions of the May 1, 2003 Emergency Rule.



In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

#### **Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for nebulizers to the lower of \$60 or the provider's usual and customary charge.

Implementation of the provisions of this proposed Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Friday, September 26, 2003 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

##### **RULE TITLE: Durable Medical Equipment Program Nebulizers Reimbursement Reduction**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will result in estimated savings to the state of \$3,250 for SFY 2002-2003, \$39,376 for SFY 2003-2004 and \$40,663 for SFY 2004-2005 as a result of implementation of this proposed rule. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed rule and the final rule.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by \$7,973 for SFY 2002-2003, \$99,136 for SFY 2003-2004 and \$102,215 for SFY 2004-2005.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This rule proposes to reduce the reimbursement for nebulizers to the lower of \$60 (a reduction from \$95 to \$60 or 37 percent) or the provider's usual and customary charge. It is anticipated that implementation of this proposed rule will reduce reimbursement to providers of nebulizers by \$11,223 for SFY 2002-2003, \$138,716 for SFY 2003-2004 and \$142,878 for SFY 2004-2005.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is anticipated that there could be a minimal reduction in the number of providers of nebulizers because of this rate reduction.

Ben A. Bearden  
Director  
0308#081

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

#### **NOTICE OF INTENT**

##### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

Durable Medical Equipment Program  
Vagus Nerve Stimulator  
(LAC 50:XVII.Chapter 5)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XVII.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage for durable medical equipment and supplies under the Medicaid Program. All medical equipment, appliances and supplies must be prior authorized to determine medical necessity. In concurrence with the recommendations of the Medical Practices Committee, the bureau established medical necessity criteria for the prior authorization of Vagus Nerve Stimulators (*Louisiana Register, Volume 27, Number 12*). The Vagus Nerve Stimulator is an implantable device used to assist in the control of seizures related to epilepsy. The department now proposes to adopt a Rule to continue the provisions contained in the December 1, 2001 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972. The proposed Rule will promote the health and well being of Medicaid recipients who have epilepsy related seizures and may benefit from use of this medical device.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following criteria for the prior authorization of Vagus Nerve Stimulators under the Durable Medical Equipment Program.

#### **Title 50**

#### **PUBLIC HEALTH MEDICAL ASSISTANCE**

#### **Part XVII. Durable Medical Equipment**

#### **Subpart 1. Prosthetics**

#### **Chapter 5. Vagus Nerve Stimulator**

#### **§501. Prior Authorization**

A. The Vagus Nerve Stimulator (VNS) is an implantable device used to assist in the control of seizures related to

epilepsy and must be prescribed by a physician. Implantation of the VNS device and all related procedures must be authorized by the Department based on criteria in §§503-507.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

### §503. Recipient Criteria

A. Inclusion Criteria. Consideration shall be given for Medicaid reimbursement for implantation of the VNS if the treatment is considered medically necessary and the patient meets all of the following criteria. The patient:

1. has medically intractable epilepsy;
2. is 12 years of age or older, although case-by-case consideration may be given to younger children who meet all other criteria and have sufficient body mass to support the implanted system;

3. has a diagnosis of partial epilepsy confirmed and classified according to the *International League Against Epilepsy* classification. The patient may also have associated generalized seizures, such as tonic, tonic-tonic, or atonic. The VNS may have efficacy in primary generalized epilepsy as well;

4. has seizures that resist control by antiepilepsy treatment, with adequately documented trials of appropriate antiepilepsy drugs or documentation of the patient's inability to tolerate these medications;

5. has undergone surgical evaluation and is not considered to be an optimal candidate for epilepsy surgery;

6. is experiencing at least four to six identifiable partial onset seizures each month. The patient must have had a diagnosis of intractable epilepsy for at least two years. The two-year period may be waived if it is deemed that waiting would be harmful to the patient;

7. has undergone Quality of Life (QOL) measurements. The choice of instruments used for the QOL must assess quantifiable measures of day to day life in addition to the occurrence of seizures. In the expert opinion of the treating physician, and clearly documented in the request for prior authorization, there must be reason to believe that QOL will improve as a result of the VNS implant. This improvement should be in addition to the benefit of seizure frequency reduction.

B. Exclusion Criteria. Regardless of the provisions of §503.A, authorization for implantation of a VNS shall not be given if the patient meets one or more of the following criteria. The patient:

1. has psychogenic seizures or other nonepileptic seizures; or

2. has systemic or localized infections that could infect the implanted system; or

3. has a body mass that is insufficient to support the implanted system; or

4. has a progressive disorder that is a contraindication to VNS implantation. Examples are malignant brain neoplasm, Rasmussen's encephalitis, Landau-Kleffner Syndrome and progressive metabolic and degenerative disorders. Progressive disorders, psychosis, or mental retardation that are not contraindications to VNS implantation are not exclusion criteria. Taking into

consideration the additional diagnosis, the treating physician must document the benefits of the VNS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

### §505. Programming the Vagus Nerve Stimulator

A. The programming of the VNS stimulator must be performed by the neurosurgeon who performed the implant procedure or by a licensed neurologist. Programming subsequent to the first three times may be subject to post authorization review for medical necessity prior to payment of the claim. Authorization for payment will only be considered when there is documented clinical evidence to show that the recipient has experienced seizures since previous programming attempts. Payment for the programming procedure will only be authorized when it is performed as an attempt to reduce or prevent future episodes of seizures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

### §507. Subsequent Implants/Battery Replacement

A. Requests to replace batteries or for new implants must be submitted with documentation that shows that the recipient was benefiting from the original VNS transplant.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Friday, September 26, 2003, at 9:30 a.m. in the Wade O. Martin, Jr. Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Durable Medical Equipment Program Vagus Nerve Stimulator

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$149,671 for SFY 2001-02, \$258,213 for SFY 2002-03 and \$261,606 for SFY 2003-04. It is anticipated that \$476 (\$238 SGF and \$238 FED) will be expended in SFY 2003-04 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$355,292 for SFY 2001-02, \$633,408 for SFY 2002-03 and \$657,240 for SFY 2003-04. \$238 is being included in SFY 2003-04 for the federal expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule will protect the health and well being of Medicaid recipients who have epilepsy related seizures and may benefit from use of the vagus nerve stimulator (VNS). It is anticipated that implementation of this proposed rule, which continues the emergency rule from December 2001, will increase utilization of the VNS device as more Medicaid recipients (approximately 48) will meet the prior authorization criteria. It is anticipated that the implementation of this proposed rule will increase program expenditures for vagus nerve stimulators by approximately \$504,963 for SFY 2001-02, \$891,621 for SFY 2002-03 and \$918,370 for SFY 2003-04.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0308#083

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

**Eligibility Medicaid Purchase Plan  
for Workers with Disabilities  
(LAC 50:III.763 and 765)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adopts LAC 50:III.763-765 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170) became a law on December 17, 1999. In Section 2(b) of Public Law 106-170, the Congress states that this legislation has the following four basic purposes:

1. to provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs;
2. to encourage states to adopt the option of allowing individuals with disabilities to purchase Medicaid coverage that is necessary to enable such individuals to maintain employment;
3. to provide individuals with disabilities the option of maintaining Medicare coverage while working; and
4. to establish a "Ticket to Work and Self-Sufficiency Program" that allows Social Security disability beneficiaries and blind or disabled Supplemental Security Income

beneficiaries to seek the employment services, vocational rehabilitation services and other support services needed to obtain, regain or maintain employment and reduce their dependence on cash benefit programs (*Federal Register, Volume 66, Number 249*).

Act 207 of the Regular Session of 2003 of the Louisiana Legislature directs the Department of Health and Hospitals to implement a buy-in program for working persons with disabilities using the provisions of the Ticket to Work and Work Incentives Improvement Act. In compliance with Act 207, the Department proposes to promulgate the following Rule to implement the Medicaid Purchase Plan for workers with disabilities under the Title XIX (Medicaid) Program.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that implementation of this proposed Rule will have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972 as it will provide access to Medicaid coverage that is necessary to support the employment efforts of individuals with disabilities who are trying to enhance their financial independence.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part III. Eligibility**

**Chapter 7. Medicaid Programs**

**§763. Workers with Disabilities**

A. Effective January 1, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing implements the Medicaid Purchase Plan for workers with disabilities under the Title XIX of the Social Security Act. The Medicaid Purchase plan allows persons who meet the Social Security disability criteria to seek the employment services, vocational rehabilitation services and other support services needed to obtain, regain or maintain employment and reduce their dependence on cash benefit programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§765. Recipient Eligibility**

A. The Medicaid Purchase Plan shall cover workers with disabilities who meet the following criteria:

1. are employed;
2. are age 16 through age 64;
3. meet the Social Security Administration criteria for disability;
4. have net income less than 250 percent of the federal poverty level;
5. have countable assets less than \$25,000; and
6. are enrolled in no-cost health insurance.

B. The following buy-in criteria shall be utilized by the Medicaid Purchase Plan.

1. If the worker has a net income less than 150 percent of the federal poverty level, there shall be no cost to the worker.
2. If the worker has a net income equal to or less than 200 percent of the federal poverty level, there shall be a buy-in premium of \$80 per month.

3. If the worker has a net income equal to or less than 250 percent of the federal poverty level, there shall be a buy-in premium of \$110 per month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

Implementation of this Rule shall be contingent upon approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Friday, September 26, 2003, at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Eligibility Medicaid Purchase Plan for Workers with Disabilities**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$471,642 for SFY 2003-2004, \$2,122,774 for SFY 2004-2005 and \$2,841,572 for FY 2005-2006. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in SFY 2003-2004 for the state administrative expense for promulgation of this proposed rule and the final rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$1,185,362 for SFY 2003-2004, \$5,336,023 for SFY 2004-2005 and \$7,142,868 for SFY 2005-2006. \$136 is included in SFY 2003-2004 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule will establish an optional eligibility group to provide full Medicaid benefits to workers with disabilities (approximately 1,716 in FY 2004, increasing to 3,060 in FY 2006). The proposed rule will allow persons who meet the Social Security disability criteria to seek the employment services, vocational rehabilitation services and other support services needed to obtain, regain or maintain employment and reduce their dependence on cash benefit programs. Implementation of this proposed rule will increase expenditures by \$1,656,732 for SFY 2003-2004, \$7,458,797 for SFY 2004-2005 and \$9,984,440 for SFY 2005-2006.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is anticipated that the implementation of this rule will have a positive effect on employment for persons with disabilities as it will provide access to medical coverage that is necessary to support the employment efforts of this group of individuals.

Ben A. Bearden  
Director  
0308#086

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

#### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

#### **Hospital Licensing Standards (LAC 48:I.Chapter 93)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 93 under the Medical Assistance Program as authorized by R.S. 40:2100-2115 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule to establish new regulations governing the licensing of hospitals (*Louisiana Register*, Volume 21, Number 2). The department proposes to amend the February 20, 1995 Rule to address a myriad of changes that have occurred within the hospital industry. The provisions of the proposed Rule shall not go into effect until one year from the adoption of the Rule. The provisions of the February 20, 1995 Rule shall continue to govern hospitals licensed prior to the year following the adoption of this proposed Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

#### **Title 48**

#### **PUBLIC HEALTH GENERAL**

#### **Part I. General Administration**

#### **Subpart 3. Licensing**

#### **Chapter 93. Hospitals**

#### **Subchapter A. General Provisions**

#### **§9301. Purpose**

A. The purpose of the hospital laws and standards is to provide for the development, establishment and enforcement of standards for the care of individuals in hospitals and for the construction, maintenance and operation of hospitals which shall promote safe and adequate treatment of individuals in hospitals.

1. Except as otherwise provided herein, hospitals shall provide directly or under arrangements the following professional departments, services, facilities and functions:

- a. organization and general services;
- b. nursing services;

- c. pharmaceutical services;
- d. radiological services;
- e. laboratory services;
- f. food and dietetic services;
- g. medical record services;
- h. quality assessment and improvement;
- i. physical environment;
- j. infection control;
- k. respiratory care services.

2. Except as otherwise provided herein, hospitals may provide the following optional services directly or under arrangements:

- a. surgical services;
- b. anesthesia services;
- c. nuclear medicine services;
- d. outpatient services;
- e. rehabilitation services;
- f. psychiatric services;
- g. obstetrical and newborn services;
- h. pediatric services;
- i. emergency services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### §9302. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

### §9303. Definitions

A. The following definitions of selected terminology are used in connection with Chapter 93.

**Accredited** The approval by the Joint Commission on Accreditation of Healthcare Organizations or American Osteopathic Association.

**Administrator** (see *Chief Executive Officer*)

**Anesthesiologist** A physician, dentist, or osteopath physician, who has successfully completed an *approved* residency program in anesthesiology, or who is a diplomat of either the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology, or who was made a Fellow of the American College of Anesthesiology before 1972.

**Approved** Acceptable to the authority having jurisdiction.

**Authority Having Jurisdiction** An organization, office, or individual responsible for approving equipment, an installation, or a procedure.

**Certified Nurse Midwife** An advanced practice registered nurse as defined by R.S. 37:913.

**Certified Registered Nurse Anesthetist** An advanced practice registered nurse as defined by R.S. 37:913.

**Cessation of Business** When a hospital stops providing services to the community.

**Chief Executive Officer (CEO)/Administrator** The person responsible for the operation of the hospital

commensurate with the authority conferred by the governing body.

**Clinical Nurse Specialist** An advanced practice registered nurse as defined by R.S. 37:913.

**Department** Louisiana Department of Health and Hospitals.

**Governing Body** The board of trustees, owner or person(s) designated by the owner with ultimate authority and responsibility (both moral and legal) for the management, control, conduct and functioning of the hospital.

**Hospital** Any institution, place, building, or agency, public or private, whether for profit or not, maintaining and operating facilities, 24 hours a day, seven days a week, having 10 licensed beds or more, properly staffed and equipped for the diagnosis, treatment and care of persons admitted for overnight stay or longer who are suffering from illness, injury, infirmity or deformity or other physical or mental condition for which medical, surgical and/or obstetrical services would be available and appropriate. This term hospital does not include the following:

a. physicians' offices, clinics or programs where patients are not kept as bed patients for 24 hours or more;

b. nursing homes providing intermediate and/or skilled care as defined by and regulated under the provisions of R.S. 40:2009-2009.23;

c. persons, schools, institutions or organizations engaged in the care and treatment of the mentally retarded and which are required to be licensed by the provisions of R.S. 28:421-427;

d. hospitalization or care facilities maintained by the state at any of its penal or correctional institutions;

e. hospitalization or care facilities maintained by the federal government or agencies thereof;

f. infirmaries or clinics maintained solely by any college or university exclusively for treatment of faculty, students and employees.

Note: Facilities under 10 beds shall not be licensed as a hospital and shall not care for patients overnight unless authorized to do so under another state law.

**Hospital Record** A compilation of the reports of the various clinical departments within a hospital, as well as reports from health care providers, as are customarily catalogued and maintained by the hospital medical records department. *Hospital records* include reports of procedures such as X-rays and electrocardiograms, but they do not include the image or graphic matter produced by such procedures, according to state law.

**Immediate and Serious Threat** A crisis situation in which the health and safety of patients is at risk. It is a deficient practice which indicates the operator's inability to furnish safe care and services, although it may not have resulted in actual harm. The threat of probable harm is real and important and could be perceived as something which will result in potentially severe temporary or permanent injury, disability or death.

**Licensed Bed** An adult and/or pediatric bed set up or capable of being set up within 24 hours in a hospital for the use of patients, based upon bedroom criteria expressed in these standards. Labor, delivery, newborn bassinets, emergency and recovery room beds are excluded.

**Licensed Independent Practitioner** A person who is approved by his board for independent practice and who is

approved by the medical staff and credentialed and approved by the Governing Board.

**Licensed Nuclear Medicine Technologist** Any person licensed to practice nuclear medicine technology by the Louisiana State Radiologic Technology Board of Examiners.

**Licensed Practical Nurse** Any person licensed to practice practical nursing and who is licensed to practice by the Louisiana State Board of Practical Nurse Examiners.

**Licensed Radiation Therapy Technologist** Any person licensed to practice radiation therapy technology by the Louisiana State Radiologic Technology Board of Examiners.

**Licensed Radiographer** Any person licensed to practice general radiography by the Louisiana State Radiologic Technology Board of Examiners.

**Minor Alteration** Repair or replacement of building materials and equipment with materials and equipment of a similar type that does not diminish the level of construction beyond that which existed prior to the alteration. This does not include any alteration to the "functionality" or original design of the construction. (For example, normal maintenance, re-roofing, painting, wallpapering, asbestos removal, and changes to the electrical and mechanical systems.)

**Monolithic Ceiling Construction** A continuous membrane ceiling composed of plaster or gypsum wallboard, but not moveable or "lay-in" ceiling tiles.

**Neonatal** Newborn immediately succeeding birth and continuing through the first 28 days of life.

**New Construction** Any of the following started after March 1, 1995:

- a. new buildings to be used as a hospital;
- b. additions to existing buildings to be used as a hospital;
- c. conversions of existing buildings or portions thereof for use as a hospital;
- d. alterations other than *minor alterations* to an existing hospital;

**Nurse Practitioner** An advanced practice registered nurse as defined by R.S. 37:913.

**Nurses Call System** A system that audibly transmits calls electronically from its place of origin (the patient's bed) to the place of receipt (the nurses' station).

**Observation Bed/Unit** Outpatient service in which patients are admitted for a period of no longer than 24 hours for observation. After 24 hours, the patient must be admitted, transferred or discharged. This outpatient unit must not provide acute care nursing. A registered nurse must be on site while there are patients in this unit.

**Office of the Secretary** Office of the person serving as the Secretary of the Department of Health and Hospitals.

**Off-Site Campus** All premises on which hospital services (inpatient and/or outpatient) are provided and that are not adjoining to the main hospital buildings or grounds. An *off-site campus* must be located within 50 miles of the main hospital campus.

**Organ** A human kidney, liver, heart, lung or pancreas.

**Radiologist** A doctor of medicine or osteopathy who is qualified by education and experience in radiology.

**Registered Dietitian** A dietitian who is qualified based on registration by the Commission on Dietetic Registration of the American Dietetic Association and licensing by the Louisiana Board of Examiners in Dietetics and Nutrition.

**Registered Nurse** Any person licensed to practice nursing by the Louisiana State Board of Nursing.

**Unit Definition** A licensed patient room.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:2100-2115.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9305. Licensing Process**

A. Procedures for Initial Licensing. The Department of Health and Hospitals is the only authority for hospitals in the state of Louisiana.

1. Any person, organization or corporation desiring to operate a hospital shall make application to the Department of Health and Hospitals (DHH) on forms prescribed by the department. Such forms may be obtained from: Hospital Program Manager, Department of Health and Hospitals, Health Standards Section (HSS), Post Office Box 3767, Baton Rouge, LA 70821.

2. An initial applicant shall as a condition of licensing:

a. submit a completed initial hospital packet and other required documents;

b. submit the required nonrefundable licensing fees by certified check or money order. No application will be reviewed until payment of the application fee. Except for good cause shown, the applicant must complete all requirements of the application process within 90 days of initial submission of the application material. Upon 10 days prior notice, any incomplete or inactive applications shall be closed. A new application will be accepted only when accompanied by a nonrefundable application fee.

3. When the required documentation for licensing is approved and the building is approved for occupancy, a survey of the facility by representatives of HSS shall be conducted at the department's discretion to determine if the facility meets the standards set forth in this Chapter 93.

4. Representatives of the HSS shall discuss the findings of the survey, including any deficiencies found, with representatives of the hospital facility.

5. The hospital shall notify the HSS in writing when the deficiencies, if any, have been corrected. Following review of the hospital's Plan of Correction (POC), HSS may schedule a survey of the facility prior to occupancy.

6. No new hospital facility shall accept patients until the hospital has written approval and/or a license issued by HSS.

7. No licensed bed shall be placed in a room that does not meet all patient room licensing criteria and which has not been previously approved by HSS.

8. The hospital shall accept only that number of inpatients for which it is licensed unless prior written approval has been secured from the department.

B. Issuance of a License

1. The agency shall have authority to issue two licenses as described below:

a. full License-issued only to those hospitals that are in substantial compliance with the Rules, the standards governing hospitals and the hospital law. The license shall be issued by the department for a period of not more than 12

months for the premises named in the application, as determined by the department;

b. if a hospital is not in substantial compliance with the rules, the standards governing hospitals and the hospital law, the department may issue a provisional license up to a period of six months if there is no immediate and serious threat to the health and safety of patients.

2. The department also has discretion in denying, suspending or revoking a license where there has been substantial noncompliance with these requirements in accordance with the hospital law. If a license is denied, suspended or revoked, an appeal may be made as outlined in the hospital law.

3. The hospital license is not assignable or transferable and shall be immediately void if a hospital ceases to operate or if its ownership changes.

4. Licenses issued to hospitals with off-site locations shall be inclusive of the licensed off-site beds. In no case may the total number of inpatient beds at the off-site location exceed the number of inpatient beds at the primary campus.

C. Licensing Renewal. Licenses must be renewed at least annually. The renewal packet shall be sent by the Department to the hospital 45 days prior to the expiration of its license. The packet shall contain all forms required for renewal of the license. A hospital seeking renewal of its license shall:

1. complete all forms and return them to the department at least 15 days prior to the expiration date of its current license;

2. submit the annual fees or the amounts so specified by state law. All fees shall be submitted by certified check or money order and are nonrefundable. All state-owned facilities are exempt from fees.

D. Display of License. The current license shall be displayed in a conspicuous place in the hospital at all times.

#### E. Bed Increases

1. The hospital will notify the department in writing 14 days prior to the bed increase.

2. The hospital will complete the required paperwork and submit the appropriate documents.

3. A fee of \$25 plus \$5 per licensed unit being added or the amounts so specified by state law in the future shall be submitted to the department. This shall be a certified check or money order.

4. At the discretion of the department, signed and dated attestations to compliance with these standards may be accepted in lieu of an on-site survey.

5. Written approval of the bed increase must be obtained before patients can be admitted to these additions.

6. No licensed bed shall be placed in a room that does not meet all patient room licensing criteria and which has not been previously approved by HSS.

#### F. Eliminating and/or Relocating Beds

1. The hospital will notify the department in writing 14 days prior to the bed decrease or relocation.

2. The hospital will complete the required paperwork and submit the appropriate documents.

3. A fee of \$25 or the amounts so specified by state law in the future shall be submitted to the Department. This remittance shall be a certified check or money order.

4. No licensed bed shall be placed in a room that does not meet all patient room licensing criteria and which has not been previously approved by HSS.

#### G. Adding or Eliminating Services

1. Prior to the addition or deletion of a service or services, the hospital shall notify the department in writing 45 days prior to implementation, if plan review is required, and 15 days prior to implementation if no plan review is necessary.

2. The department will determine the required documents, if any, to be provided for a new service.

3. No service shall be instituted that does not meet all licensing criteria and which has not been previously approved by the department.

#### H. Adding Off-site Campuses

1. Individual licenses shall not be required for separate buildings and services located on the same or adjoining grounds or attached to the main hospital if they are operated as an integrated service of the hospital. An applicant shall as a condition of licensing:

a. submit a completed off-site campus packet and other required documents;

b. submit the required nonrefundable licensing fees by certified check or money order;

2. except for good cause shown, all incomplete and inactive applications shall be closed 90 days after receipt of the initial off-site campus application. A new application will be accepted only when accompanied by a nonrefundable application fee;

3. at the discretion of the department, signed and dated attestations to the compliance with these standards may be accepted in lieu of an on-site survey;

4. the off-site campus will be issued a license which is a subset of the hospital's main license.

I. Closing Off-site Campuses. The hospital is to notify the HSS in writing within 14 days of the closure of an off-site campus with the effective date of closure. The original license of the off-site campus is to be returned to HSS.

J. Duplicate and Replacement Licenses. A \$5 processing fee or the amount so specified by state law in the future shall be submitted by the hospital for issuing a duplicate facility license with no change.

K. Changes to the License. When changes to the license, such as a name change, address change or bed reduction are requested in writing by the hospital, a fee of \$25 or the amounts so specified by state law in the future, shall be submitted.

#### L. Facility within a Facility

1. If more than one health care provider occupies the same building, premises or physical location, all treatment facilities and administrative offices for each health care provider shall be clearly separated from each other by a clearly delineated and recognizable boundary.

a. Treatment facilities shall include, but not be limited to consumer beds, wings and operating rooms.

b. Administrative offices shall include, but not be limited to record rooms and personnel offices.

c. There shall be clearly identifiable and distinguishable signs.

2. If more than one health care provider occupies the same building, premises or physical location, each such health care provider shall have its own entrance. The

separate entrance shall have appropriate signs and shall be clearly identifiable as belonging to a particular health care provider. Nothing prohibits a health care provider occupying the same building, premises or physical location as another health care provider from utilizing the entrance, hallway, stairs, elevators or escalators of another health care provider to provide access to its separate entrance.

3. staff of the hospital within a hospital shall not be co-mingled with the staff of the host hospital for the delivery of services within any given shift.

4. The provisions and requirements of §9305.L are in addition to and not excluding any other statutes, laws and/or rules that regulate hospitals, as set forth in R.S. 40:2007.

#### M. Change of Ownership

1. Definition. *Change of Ownership (CHOW)*—the sale or transfer whether by purchase, lease, gift or otherwise of a hospital by a person/corporation of controlling interest that results in a change of ownership or control of 30 percent or greater of either the voting rights or assets of a hospital or that results in the acquiring person/corporation holding a 50 percent or greater interest in the ownership or control of the hospital. Examples of actions which constitute a change of ownership (R.S. 40:2115.11 et seq.).

a. Unincorporated Sole Proprietorship. Transfer of title and property to another party constitutes a change of ownership.

b. Corporation. The merger of the provider corporation into another corporation, or the consolidation of two or more corporations, resulting in the creation of a new corporation constitutes a change of ownership. Transfer of corporate stock or the merger of another corporation into the provider corporation does not constitute a change of ownership.

c. Partnership. In the case of a partnership, the removal, addition or substitution of a partner, unless the partners expressly agree otherwise, as permitted by applicable state law, constitutes a change of ownership.

d. Leasing. The lease of all or part of a provider facility constitutes a change of ownership of the leased portion.

2. No later than 15 days after the effective date of the CHOW, the prospective owner(s) or provider representative shall submit to the department a completed application for hospital licensing, the bill of sale, and a licensing fee consistent with state law. Hospital licensing is not transferable from one entity or owner(s) to another.

N. Plan Review. A letter to the Department of Health and Hospitals, Division of Engineering and Architectural Services, shall accompany the floor plans with a request for a review of the hospital plans. The letter shall include the types of services offered, number of licensed beds and licensed patient rooms, geographical location, and whether it is a relocation, renovation, and/or new construction. A copy of this letter is to be sent to the Hospital Program Manager.

#### 1. Submission of Plans

a. New Construction. All new construction shall be done in accordance with the specific requirements of the Office of State Fire Marshal and the Department of Health and Hospitals, Division of Engineering and Architectural Services. The requirements cover new construction in hospitals, including submission of preliminary plans and the final work drawings and specifications to each of these

agencies. Plans and specifications for new construction shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

b. New Hospitals. No new hospital shall hereafter be licensed without the prior written approval of, and unless in accordance with plans and specifications approved in advance by the DHH, Division of Engineering and Architectural Services and the Office of State Fire Marshal. This includes any change in hospital type (e.g., acute care hospital to psychiatric hospital) or the establishment of a hospital in any healthcare facility or former healthcare facility. The applicant must furnish one complete set of plans and specifications to the Division of Engineering and Architectural Services and one complete set of plans and specifications to the Office of State Fire Marshal, together with fees and other information as required. Plans and specifications shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect. The review and approval of plans and specifications shall be made in accordance with the publication entitled *Guidelines for Construction and Equipment of Hospital and Medical Facilities*, Current Edition, published by the American Institute of Architects Press and the *Standard Plumbing Code*.

c. Change(s) in Service(s)/Hospital Type. Preliminary plans, final work drawings and specifications shall be submitted prior to any change in hospital type (e.g., acute care hospital to psychiatric hospital). The review and approval of plans and specifications shall be made in accordance with the publication entitled *Guidelines for Construction and Equipment of Hospital and Medical Facilities*, Current Edition, published by the American Institute of Architects Press and the *Standard Plumbing Code*. The applicant must furnish one complete set of plans and specifications to the Department of Health and Hospitals, Division of Engineering and Architectural Services and one complete set of plans and specifications to the Office of State Fire Marshal, together with fees and other information as required.

d. Major Alterations. No major alterations shall be made to existing hospitals without the prior written approval of, and unless in accordance with plans and specifications approved in advance by DHH, Division of Engineering and Architectural Services and the Office of State Fire Marshal. The applicant must furnish one complete set of plans and specifications to the Division of Engineering and Architectural Services and one complete set of plans and specifications to the Office of State Fire Marshal, together with fees and other information as required. Plans and specifications shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect. The review and approval of plans and specifications shall be made in accordance with the publication entitled *Guidelines for Construction and Equipment of Hospital and Medical Facilities*, Current Edition, published by the American Institute of Architects Press and the *Standard Plumbing Code*.

#### 2. Approval of Plans



a. Notice of satisfactory review from the Division of Engineering and Architectural Services and the Office of State Fire Marshal constitutes compliance with this requirement if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, ordinances, codes or rules of any responsible agency.

b. In the event that submitted materials do not appear to satisfactorily comply with the *Guidelines for Construction and Equipment of Hospital and Medical Facilities*, Current Edition, and the *Standard Plumbing Code*, the Division of Engineering and Architectural Services shall furnish a letter to the party submitting the plans which shall list the particular items in question and request further explanation and/or confirmation of necessary modifications.

### 3. Waivers

a. The secretary of the department may, within his sole discretion, grant waivers to building and construction guidelines. The facility must submit a waiver request in writing to the Division of Engineering and Architectural Services. The facility shall demonstrate how patient safety and the quality of care offered is not compromised by the waiver. The facility must demonstrate their ability to completely fulfill all other requirements of the service. The Department will make a written determination of the request. Waivers are not transferable in an ownership change and are subject to review or revocation upon any change in circumstances related to the waiver.

b. The secretary, in exercising his discretion, must at a minimum, require the applicant to comply with the edition of the building and construction guidelines which immediately preceded the most current edition of the *Guidelines for Construction and Equipment of Hospital and Medical Facilities*.

O. Fire Protection. All hospitals required to be licensed by the law shall comply with the rules, established fire protection standards and enforcement policies as promulgated by the Office of State Fire Marshal. It shall be the primary responsibility of the Office of State Fire Marshal to determine if applicants are complying with those requirements. No license shall be issued or renewed without the applicant furnishing a certificate from the Office of State Fire Marshal stating that the applicant is complying with their provisions. A provisional license may be issued to the applicant if the Office of State Fire Marshal issues the applicant a conditional certificate.

P. Sanitation and Patient Safety. All hospitals required to be licensed by the law shall comply with the Rules, Sanitary Code and enforcement policies as promulgated by the Office of Public Health. It shall be the primary responsibility of the Office of Public Health to determine if applicants are complying with those requirements. No initial license shall be issued without the applicant furnishing a certificate from the Office of Public Health stating that the applicant is complying with their provisions. A provisional license may be issued to the applicant if the Office of Public Health issues the applicant a conditional certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246

(April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 16:971 (November 1990), LR 21:177 (February 1995), LR 29:

### §9307. Hospital Closure

A. A cessation of business is deemed to be effective with the date on which the hospital stopped providing services to the community.

1. The hospital must notify the department in writing 30 days prior to the effective date of closure.

2. The hospital shall submit a written plan for the disposition of patient medical records for approval by the department. The plan shall include the following:

a. provisions that comply with state laws on storage, maintenance, access and confidentiality of the closed hospital's patient medical records;

b. an appointed custodian who shall provide physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction;

c. public notice on access in the newspaper, with the largest circulation, in close proximity of the closing hospital, at least 15 days before the effective date of closure;

d. the effective date of closure.

3. The hospital must return the original license to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### §9309. Exceptions

A. Exceptions to these Rules and standards governing hospitals are as follows.

1. If a hospital does not provide an optional service or department, those relating requirements shall not be applicable.

2. If a hospital is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the American Osteopathic Association, the Department shall accept such accreditation in lieu of its annual on-site re-survey. This accreditation will be accepted as evidence of satisfactory compliance with all provisions except those expressed in §9305.O and P.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### §9311. Enforcement

A. The department shall have the authority to interpret and enforce this Chapter 93 as authorized by and in accordance with the Health Care Facilities and Services Enforcement Act, R.S. 40:2199.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9313. Staff Orientation, Training, Education and Evaluation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

### **§9315. Emergency Services**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

## **Subchapter B. Hospital Organization and Services**

### **§9317. Governing Body**

A. The hospital must have either an effective governing body or individual(s) legally responsible for the conduct of the hospital operations. No contracts/arrangements or other agreements may limit or diminish the responsibility of the governing body.

B. The governing body shall:

1. establish hospital-wide policy;
2. adopt bylaws;
3. appoint a chief executive officer or administrator;
4. maintain quality of care;
5. determine, in accordance with state law, which categories of practitioners are eligible candidates for appointment to the medical staff; and
6. provide an overall institutional plan and budget.

C. The governing body and/or their designee(s) shall develop and approve policies and procedures which define and describe the scope of services offered. They shall be revised as necessary and reviewed at least annually.

D. There shall be an organizational chart that delineates lines of authority and responsibility for all hospital personnel.

E. In addition to requirements stated herein, all licensed hospitals shall comply with applicable local, state, and federal laws and regulations.

F. All off-site campuses operating under the license of a single provider institution (i.e., a hospital with a main facility and off-site campuses) are subject to the control and direction of one common governing body that is responsible for the operational decisions of the entire hospital enterprise.

1. The off-site campus is subject to the bylaws and operating decisions of the provider's governing body.

2. The provider has final responsibility for administrative decisions, final approval for personnel actions and final approval for medical staff appointments at the off-site campus.

3. The off-site campus functions as a department of the provider.

4. The off-site campus is included under the accreditation of the provider, if the provider is accredited by a national accrediting body, and the accrediting body recognizes the off-site campus as part of the provider.

5. The off-site campus director is under the day-to-day supervision of the provider, as evidenced by:

a. patients treated at the off-site campus are considered patients of the provider and shall have full access to all appropriate provider services;

b. the off-site campus is held out to the public as part of the hospital, i.e., patients know they are entering the provider and will be billed accordingly;

c. the off-site campus director or the individual responsible for the day-to-day operations at the site maintains a daily reporting relationship and is accountable to the provider's chief executive officer and reports through that individual to the provider's governing body; and

d. the administrative functions of the off-site campus, (i.e., QI, infection control, dietary, medical records, billing, laundry, housekeeping and purchasing) are integrated with those of the provider, as appropriate to that off-site campus.

6. All components of a single provider institution must comply with applicable state licensing laws.

G. If emergency services are not provided at the hospital, the governing body shall assure that the medical staff has written policies and procedures for appraisal of emergencies, initial treatment and transfer as appropriate.

1. These policies and procedures shall address at a minimum the following:

a. needed emergency equipment and drugs to include but not limited to, suction, oxygen and ambu bag;

b. competence of staff appropriate to the approved use of emergency equipment and drugs;

c. determining when an emergency exists;

d. rendering life saving first aid;

e. making appropriate referrals to hospitals that are capable of providing needed services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9319. Patient Rights and Privacy**

A. Every patient shall have the following rights, none of which shall be abridged by the hospital or any of its staff. The hospital administrator shall be responsible for developing and implementing policies to protect patient rights and to respond to questions and grievances pertaining to patient rights. These rights shall include at least the following:

1. every patient, or his/her designated representative, shall whenever possible, be informed of the patient's rights and responsibilities in advance of furnishing or discontinuing patient care;

2. the right to have a family member, chosen representative and/or his or her own physician notified promptly of admission to the hospital;

3. the right to receive treatment and medical services without discrimination based on race, age, religion, national origin, sex, sexual preferences, handicap, diagnosis, ability to pay or source of payment;

4. the right to be treated with consideration, respect and recognition of their individuality, including the need for privacy in treatment;

5. the right to be informed of the names and functions of all physicians and other health care professionals who are

providing direct care to the patient. These people shall identify themselves by introduction and/or by wearing a name tag;

6. the right to receive, as soon as possible, the services of a translator or interpreter to facilitate communication between the patient and the hospital's health care personnel;

7. the right to participate in the development and implementation of his/her plan of care;

8. every patient or his or her representative (as allowed by state law) has the right to make informed decisions regarding his or her care;

9. the patient's rights include being informed of his/her health status, being involved in care planning and treatment, and being able to request or refuse treatment. This right must not be construed as a mechanism to demand the provision of treatment or services deemed medically unnecessary or inappropriate;

10. the right to be included in experimental research only when he or she gives informed, written consent to such participation, or when a guardian provides such consent for an incompetent patient in accordance with appropriate laws and regulations. The patient may refuse to participate in experimental research, including the investigations of new drugs and medical devices;

11. the right to be informed if the hospital has authorized other health care and/or educational institutions to participate in the patient's treatment. The patient shall also have a right to know the identity and function of these institutions, and may refuse to allow their participation in his/her treatment;

12. the right to formulate advance directives and have hospital staff and practitioners who provide care in the hospital comply with these directives;

13. the right to be informed by the attending physician and other providers of health care services about any continuing health care requirements after his/her discharge from the hospital. The patient shall also have the right to receive assistance from the physician and appropriate hospital staff in arranging for required follow-up care after discharge;

14. the right to have his/her medical records, including all computerized medical information, kept confidential;

15. the right to access information contained in his/her medical records within a reasonable time frame;

16. the right to be free from restraints of any form that are not medically necessary or are used as a means of coercion, discipline, convenience or retaliation by staff;

17. the right to be free from all forms of abuse and harassment;

18. the right to receive care in a safe setting;

19. the right to examine and receive an explanation of the patient's hospital bill regardless of source of payment, and may receive upon request, information relating to financial assistance available through the hospital;

20. the right to be informed in writing about the hospital's policies and procedures for initiation, review and resolution of patient complaints, including the address and telephone number of where complaints may be filed with the department;

21. the right to be informed of his/her responsibility to comply with hospital rules, cooperate in the patient's own treatment, provide a complete and accurate medical history,

be respectful of other patients, staff and property, and provide required information regarding payment of charges;

22. except in emergencies, the patient may be transferred to another facility only with a full explanation of the reason for transfer, provisions for continuing care and acceptance by the receiving institution.

B. The policies on patient rights and responsibilities shall also provide that patients who receive treatment for mental illness or developmental disability, in addition to the rights listed herein, have the rights provided in the Louisiana Mental Health Law.

C. Hospital staff assigned to provide direct patient care shall be informed of and demonstrate their understanding of the policies on patient rights and responsibilities through orientation and appropriate in service training activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9321. Medical Staff**

A. The medical staff develops and adopts bylaws and rules for self-governance of professional activity and accountability to the governing body. In addition to physicians and dentists, the medical staff membership shall include licensed independent practitioners as appropriate to adequately meet the needs of the patients served by the hospital. The bylaws and rules shall contain provisions for at least the following.

1. The medical executive committee shall:

a. develop the structure of the medical staff and categories of membership;

b. develop and implement a mechanism to review credentials, at least every two years, and delineate individual privileges;

c. develop and implement a mechanism for determining that all medical staff hold current Louisiana licenses;

d. make recommendations for membership to medical staff, for approval by the governing body, with initial appointments and reappointments not to exceed two years;

e. develop and implement a mechanism for suspension and/or termination of membership to the medical staff;

f. develop and implement a mechanism for fair hearings and appellate reviews for both potential (new) applicants and current members of the medical staff;

g. define the required functions of the medical staff to include:

i. basic medical record review, drug usage review, pharmacy and therapeutics review, infection control and utilization review;

ii. if applicable, surgical and other invasive procedures and blood usage.

2. The medical staff shall provide a mechanism to monitor and evaluate the quality of patient care and the clinical performance of individuals with delineated clinical privileges.

3. Each person admitted to the hospital shall be under the care of a member of the medical staff and shall not be

admitted except on the recommendation of a medical staff member.

4. There shall be a member of the medical staff on call at all times for emergency medical care of hospital patients.

5. The medical staff bylaws shall include specifications for orders for the care or treatment of patients which are given to the hospital verbally or transmitted to the hospital electronically, whether by telephone, facsimile transmission or otherwise. Such bylaws may grant the medical staff up to 10 days following the date an order is transmitted verbally or electronically to provide the signature or countersignature for such orders.

6. There shall be a single chief medical officer who reports directly to the governing body and who is responsible for all medical staff activities of all the off-site facilities operating under the license of the hospital.

7. There shall be total integration of the organized medical staff as evidenced by these factors:

a. all medical staff members have privileges at all off-site campuses;

b. all medical staff committees are responsible for their respective areas of responsibility at all off-site campuses of the hospital; and

c. the medical director of the off-site campus (if the off-site campus has a medical director) maintains a day-to-day reporting relationship to the chief medical officer or other similar official of the provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9323. Administration**

A. There shall be a chief executive officer or administrator who is responsible for the operation of the hospital commensurate with the authority conferred by the governing body. All administrative authority shall flow through the chief executive officer who exercises control and surveillance over the administrative activities of the hospital and of all off-site campuses. (This does not preclude the establishment of assistant executive officer positions in any off-site campus as long as the individuals are under the authority of and report to the chief executive officer.)

B. The chief executive officer or administrator of the hospital shall have at least one of the following qualifications:

1. a master's degree and at least three years of full-time experience in progressively responsible management positions in healthcare;

2. a baccalaureate degree and at least five years of full-time experience in progressively responsible management positions in healthcare; or

3. at least 10 years of full-time experience in hospital administration;

a. hospital chief executive officers and administrators employed in Louisiana licensed hospitals at the time the final regulations are adopted and become effective shall be deemed to meet the qualifications as long as the individual holds their current position. If the individual leaves their current position as hospital administrator/chief executive officer, they must meet one of

the qualifications above to be re-employed into such a position.

C. There shall be sufficient qualified personnel to properly operate each department of the hospital and provide quality patient care and related services.

D. All new employees, including volunteer workers, prior to or at the time of employment and annually thereafter shall be verified to be free of tuberculosis in a communicable state.

E. The hospital shall have policies and procedures that define how the facility will comply with current regulations regarding healthcare screenings of hospital personnel.

F. The hospital shall have policies and procedures and require all personnel to immediately report any signs or symptoms of a communicable disease or personal illness to their supervisor or administrator as appropriate for possible reassignment or other appropriate action to prevent the disease or illness from spreading to other patients or personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9325. Staff Orientation, Training, Education and Evaluation**

A. New employees, including contract employees, shall have an orientation program of sufficient scope and duration to inform the individual about his/her responsibilities and how to fulfill them.

B. The orientation program shall include, at least, a review of policies and procedures, job descriptions, competency evaluation and performance expectations prior to the employee performing his/her responsibilities.

C. A staff development program shall be conducted by educationally competent staff and/or consultants and planned based upon annual employee performance appraisals, patient population served by the hospital, information from quality assessment and improvement activities, and/or as determined by facility staff.

D. The hospital shall document appropriate training and orientation prior to reassignment of currently employed staff.

E. Records shall be maintained that indicate the training content, time, names of employees in attendance and the name of the presenter.

F. At least annually the performance of all hospital and contract employees shall be evaluated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9327. Emergency Services**

A. If emergency services are provided, the emergency services shall be on a 24-hour/seven-day basis in an emergency care area. The hospital shall have at least 1 physician available to the emergency care area within 30 minutes through a medical call roster.

B. Organization

1. Emergency services shall have written policies and procedures which:

a. define and describe the scope of services offered;  
b. assures the integration of emergency services with other hospital services, delineating when the hospital shall divert emergency patients, the criteria for the diversion, and the notification of local emergency medical services and hospitals of the diversion; and

c. governs referrals if a clinical specialty service is not provided.

2. The emergency services shall be organized under the direction of a qualified member of the medical staff and a roster of on-call medical staff with service specialties shall be maintained. The services shall be integrated with other departments of the hospital. Ancillary services routinely available at the hospital for inpatients shall be available to patients presenting with emergency medical conditions.

3. The emergency service area shall be supplied with:

- a. basic trauma equipment and drugs;
- b. suction and oxygen equipment; and
- c. cardiopulmonary resuscitation equipment.

C. All licensed hospitals shall comply with current provisions of the Emergency Medical Treatment and Active Labor Act (EMTALA).

D. In accordance with R.S. 40:2113.6, no officer or member of the medical staff of a hospital licensed by the department shall deny emergency services available at the hospital to a person diagnosed by a licensed physician as requiring emergency services because the person is unable to establish his ability to pay for the services or his race, religion or national ancestry. In addition, the person needing the services shall not be subjected to arbitrary, capricious or unreasonable discrimination based on age, sex, physical condition or economic status. Emergency services are services that are usually and customarily available at the hospital and that must be provided immediately to stabilize a medical condition which if not stabilized could reasonably be expected to result in the loss of life, serious permanent disfigurement or loss or impairment of the function of a bodily member or organ, or for the care of a woman in active labor if the hospital is so equipped. If not so equipped, the hospital must provide treatment to allow the patient to travel to a more appropriate facility without undue risk of serious harm.

E. Personnel

1. The emergency services shall make provisions for physician coverage at all hours and a qualified member of the medical staff shall be designated to supervise emergency services. There shall be a registered nurse and other nursing service personnel qualified in emergency care to meet written emergency procedures and needs anticipated by the hospital. All registered nurses working in emergency services shall be trained in advanced cardiac life support, pediatric trauma and pediatric advanced life support.

2. There are specific assigned duties for emergency care personnel with a clear chain of command.

F. The hospital shall maintain an emergency service register on every individual seeking care. At a minimum, the register shall contain the following data:

1. name, age and sex of patient;
2. date, time and means of arrival;
3. nature of complaint;

4. disposition;
5. time of departure;
6. name of the on-call or treating physician.

G. Trauma Center. In addition to the requirements above, all hospitals that request official designation by the Department as a "Trauma Center" must meet the requirements provided under state law (R.S. 40:2171).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9329. After Life Care**

A. The hospital shall establish and implement written policies and procedures governing after life care that are reviewed annually and revised as needed. These policies shall delineate the responsibilities of the medical staff, nursing and morgue staff, and shall include procedures for at least the following:

1. identifying the body;
2. safe and proper handling to prevent damage to the body;
3. safeguarding the personal effects of the deceased and release of personal effects to the appropriate individual;
4. handling of toxic chemicals by morgue and housekeeping staff;
5. infection control, including disinfecting of equipment;
6. identifying and handling high-risk and/or infectious bodies in accordance with Centers for Disease Control guidelines and in compliance with Louisiana law;
7. release of the body to the funeral director;
8. release of the body to the coroner upon his request for autopsy;
9. policy for autopsy requests by the physician or family and physician communication to family members regarding the autopsy requests/results;
10. availability of autopsy reports, including reports of microscopic autopsy findings, to physicians and in the medical records within specified time frames; and
11. completion of the autopsy, including microscopic and other procedures, within specified time frames.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9331. Organ or Tissue Donation**

A. The hospital shall have policies and procedures for organ and tissue donation and requests for donation, approved by the governing body.

B. The hospital shall have an agreement with the designated organ procurement agency for the state and at least one tissue bank and one eye bank, if the organ procurement agency does not include these services.

C. When death is imminent or has occurred in a hospital, to a person determined to be a suitable candidate for organ or tissue donation, based on accepted medical standards, the hospital administrator or designated representative shall request the appropriate person described herein to consent to

the gift of any part of the decedent's body as an anatomical gift.

D. No request shall be required when the requesting person has actual notice of contrary intention by the decedent or those persons described in this regulation according to the priority stated therein, or reason to believe that an anatomical gift is contrary to the decedent's religious beliefs.

E. Upon approval of the donation, the OPO or retrieval organization shall be notified and shall cooperate in the procurement of the anatomical gift. When a request is made, the person making the request shall complete a certificate of request for an anatomical gift on a form approved by the Department of Health and Hospitals.

F. The certificate shall include the following:

1. a statement indicating that a request for an anatomical gift was made;
2. the name and affiliation of the person making the request;
3. an indication of whether consent was granted and, if so, what organs and tissues were donated;
4. the name of the person granting or refusing the request, and his relationship to the decedent.

G. A copy of the certificate of request shall be included in the decedent's medical records.

H. The following persons shall be requested to consent to a gift, in the order of priority stated:

1. the spouse if one survives; if not:
  - a. an adult son or daughter;
  - b. either parent;
  - c. an adult brother or sister;
  - d. the curator or tutor of the decedent at the time of death;
  - e. any other person authorized or under obligation to dispose of the body.

I. Upon the arrival of a person who is dead or near death, a reasonable search for a document of gift or other information which may indicate that a person is a donor or has refused to make such a donation shall be made by the hospital.

J. If a person at or near death has been admitted or is in transit to a hospital and has been identified as a donor of his body, organs, tissue or any part thereof, the hospital shall immediately notify the named recipient if one is named and known, and if not, the OPO federally approved organ procurement agency.

K. The hospital shall cooperate in the implementation of the anatomical gift, including the removal and release of organs and tissue, or any parts thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9333. Specialty Units**

A. Specialty units are designated areas in a hospital organized and dedicated to providing a specific, concentrated service to a targeted group of patients.

B. Each unit shall be organized and function as a physically identifiable section with beds that are not commingled with other hospital beds.

C. Each unit shall be staffed with professional and support personnel, appropriate to the scope of services provided. Central support services such as dietary, housekeeping, maintenance, administration and therapeutic services may be shared with the rest of the hospital.

D. There shall be written policies and procedures that define and describe the scope of services offered, including admission criteria. The policies and procedures shall be developed and approved by the governing body. They shall be reviewed at least annually and revised as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9335. Emergency Preparedness**

A. The hospital shall have an emergency preparedness plan designed to manage the consequences of natural disasters or other emergencies that disrupt the hospital's ability to provide care and treatment or threatens the lives or safety of the hospital patients and/or the community it serves. The emergency preparedness plan shall be made available, upon request or if mandated to do so, to local, parish, regional and/or state emergency planning organizations, DHH and the Office of the State Fire Marshal.

B. As a minimum, the plan shall include the following:

1. identification of potential hazards that could necessitate an evacuation, including internal and external disasters such as a natural disaster, acts of bio-terrorism, weapons of mass destruction, labor work stoppage, or industrial or nuclear accidents;
2. emergency procedures for evacuation of the hospital;
3. comprehensive measures for receiving and managing care for a large influx of emergency patients. At a minimum, these measures shall include the following roles:
  - a. the emergency department/services;
  - b. surgical suite; and
  - c. patient care units;
4. comprehensive plans for receiving patients who are being relocated from another facility due to a disaster. This plan shall include at least an estimate of the number and type of patients the facility would accommodate;
5. procedures in the case of interruption of utility services in a way that affects the health and safety of patients;
6. identification of the facility and an alternate facility to which evacuated patients would be relocated;
7. the estimated number of patients and staff that would require relocation in the event of an evacuation;
8. the system or procedure to ensure that medical charts accompany patients in the event of a patient evacuation and that supplies, equipment, records and medications would be transported as part of an evacuation; and
9. the roles and responsibilities of staff members in implementing the disaster plan.

C. The hospital shall assure that patients receive nursing care throughout the period of evacuation and while being returned to the original hospital.

D. The hospital shall ensure that evacuated patients, who are not discharged, are returned to the hospital after the emergency is over, unless the patient prefers to remain at the receiving facility or be discharged instead of being returned to the original hospital.

E. Any staff member who is designated as the acting administrator shall be knowledgeable about, and authorized to implement the hospital's plans in the event of an emergency.

F. The hospital administrator shall appoint an individual who shall be responsible for disaster planning for the hospital.

G. While developing the hospital's plan for evacuating patients, the disaster planner shall communicate with the facility or facilities designated to receive relocated patients.

H. The hospital shall conduct at least one evacuation drill each year, either simulated or using selected patients. An actual evacuation shall be considered a drill, if it is documented.

I. The hospital shall conduct at least one drill each year, in which a large influx of emergency patients is simulated. An actual emergency of this type shall be considered a drill, if it is documented.

J. In case of an emergency, the hospital shall have a policy for supply of food and water.

K. The hospital shall have a policy for the provision of emergency sources of critical utilities such as electricity, natural gas, water and fuel during any period in which the normal supply is temporarily disrupted.

L. The hospital's plan shall be developed in coordination with the local/parish office of emergency preparedness, utilizing community wide resources.

M. A hospital may temporarily exceed its licensed capacity in emergency situations, such as natural disasters or disease related emergencies. Such hospitals shall notify DHH in writing of the situation within 24 hours or as soon as practical thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9337. Smoking Prohibition**

A. Smoking shall be prohibited in all areas of the hospital that are heated and air-conditioned. At the discretion of the hospital's governing body, smoking may be permitted in patient rooms, but only:

1. upon the consent of the patient's primary treating physician;
2. with the consent of all patients in the room;
3. in accordance with all standards established by the Joint Commission on Accreditation of Health Care Organizations and all other applicable state and federal laws.

B. Notwithstanding the provisions of the above, the hospital's governing body may designate a well-ventilated area for smokers. Additionally, the governing body of a psychiatric hospital shall establish policies to reasonably accommodate inpatients that smoke.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9339. Safety**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

### **§9341. Personnel**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

## **Subchapter C. Nursing Services**

### **§9343. Organization and Staffing**

A. There shall be an organized nursing service that provides 24-hour nursing services. The nursing services shall be under the direction and supervision of a registered nurse licensed to practice in Louisiana, employed full time, 40 hours per week. There shall be a similarly qualified registered nurse to act in the absence of the director of nursing services.

B. Written nursing policies and procedures shall define and describe the patient care provided. There shall be a written procedure to ensure that all licensed nurses providing care in the hospital have a valid and current Louisiana license to practice, prior to providing any care.

C. Nursing services are either furnished or supervised and evaluated by a registered nurse.

D. There shall be at least one registered nurse on duty at all times, assigned to each inpatient nurse's station.

E. A registered nurse shall assign the nursing service staff for each patient in the hospital. Staffing shall be planned in accordance with the nursing needs of the patients, as demonstrated by a specific assessment process, specialized qualifications and competence of the nursing staff available.

F. The nursing staff shall be assigned clinical and/or management responsibilities according to education, experience and assessment of current competency and applicable laws.

G. There shall be at least two hospital employees, one of whom shall be a registered nurse, physically present in the hospital when there is one or more hospitalized patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

### **§9345. Delivery of Services**

A. A registered nurse shall perform an initial assessment of the patient upon admission and identify problems for each

patient. The registered nurse may delegate part(s) of the data collection to other nursing personnel, however the registered nurse shall by signature validate the assessment.

B. A nursing plan of care shall be developed based on identified nursing diagnoses and/or patient care needs and patient care standards, implemented in accordance with the Louisiana Nurse Practice Act, and shall be consistent with the plan of all other health care disciplines.

C. Isolation precautions shall be instituted when appropriate to prevent the spread of communicable diseases within the hospital.

D. All drugs and biologicals shall be administered in accordance with the orders of the practitioner(s) responsible for the patient's care and accepted standards of practice.

E. Blood transfusions and intravenous medications shall be handled, labeled and administered according to state law and approved medical staff and nursing service policies and procedures.

F. Blood and blood products shall be refrigerated separately from food, beverages and laboratory specimens.

G. An appropriate patient consent form shall be signed prior to blood transfusion administration.

H. There shall be policies and procedures for reporting transfusion reactions, adverse drug reactions and errors in the administration of drugs. It shall include immediate oral reporting to the treating physician, a written report to the director of pharmacy and the appropriate hospital committee, and an appropriate entry in the patient's record.

I. Safety policies and procedures shall be established for the care of patients, who because of their condition, are not responsible for their acts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

#### **§9347. Equipment and Records**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

### **Subchapter D. Pharmaceutical Services**

#### **§9349. General Provisions**

A. The hospital shall provide pharmaceutical services that meet the needs of the patients. The hospital shall have a pharmacy directed by a registered pharmacist or a drug storage area supervised by a registered pharmacist. The hospital pharmacy shall have a permit, issued by the Louisiana Board of Pharmacy, allowing the ordering, storage, dispensing and delivering of legend prescription orders. The hospital shall have a current controlled dangerous substance (CDS) license to dispense controlled substances to patients in the hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals,

Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

#### **§9351. Organization and Staffing**

A. Pharmaceutical services shall be directed by a registered pharmacist, licensed to practice in Louisiana on either a full-time, part-time or consulting basis. The director of pharmacy shall be responsible for the procurement, storage, dispensing, supervision and management of all legend and non-legend drugs for the hospital, and shall maintain complete and accurate records of all drug transactions by the pharmacy. There shall be an adequate number of personnel to ensure quality services, including emergency services, 24 hours per day, seven days per week. A pharmacist shall be on call after hours, whenever the pharmacy does not provide 24-hour service.

B. Hospital pharmacies that are not staffed on a 24-hour basis shall have an adequate security detection device.

C. Hospital pharmacies that are not open after regular working hours shall make drugs available for the staff by use of a night drug cabinet. The hospital pharmacy shall maintain an inventory and a list of these drugs, which are approved by the pharmacy director and the appropriate hospital committee.

D. Each off-site campus shall have a site specific controlled dangerous substance (CDS) license if they will be dispensing controlled dangerous substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

#### **§9353. Delivery of Services**

A. All compounding, packaging, and dispensing of drugs, biologicals, legend and controlled substances shall be accomplished in accordance with Louisiana law and Board of Pharmacy regulations and be performed by or under the direct supervision of a registered pharmacist currently licensed to practice in Louisiana.

B. Dispensing of prescription legend or controlled substance drugs direct to the public or patient by vending machines is prohibited.

C. Current and accurate records shall be maintained on the receipt, distribution and dispensing of all scheduled drugs in such a manner as to facilitate complete accounting for the handling of these controlled substances. An annual inventory, at the same time each year, shall be conducted for all schedule I, II, III, IV and V drugs.

D. A hospital outpatient pharmacy shall maintain all records and inventory separate and apart from that of the inpatient pharmacy, and shall require a separate pharmacy permit to operate.

E. Medications are to be dispensed only upon written orders, electromechanical facsimile, or oral orders from a physician or other legally authorized prescriber, and be taken by a qualified professional.

F. All inpatient drug containers shall be labeled to show at least the patient's full name, room number, the chemical or generic drug's name, strength, quantity and date dispensed unless a unit dose system is utilized. Appropriate accessory and cautionary statements as well as the expiration date shall be included. Floor stock containers shall contain the name



and strength of the drug, lot and control number or equivalent, and the expiration date. In unit dose systems, each single unit dose package shall contain the name and strength of the drug, lot and control number or equivalent, and expiration date. Outpatient drug containers shall be labeled to show at least the patient's full name, the prescriber's name, the chemical or generic drug's name, directions, name of the pharmacy and pharmacist, prescription number, and appropriate accessory and cautionary statements. Outdated, mislabeled or otherwise unusable drugs and biologicals shall be separated from useable stock, shall not be available for patient or other use and shall be returned to an authorized agency for credit or destroyed according to current state or federal laws as applicable.

G. Drugs and biologicals not specifically prescribed as to time or number of doses shall automatically be stopped after a reasonable time that is predetermined by the medical staff.

H. The director of pharmacy shall develop and implement a procedure that in the event of a drug recall, all employees involved with the procurement, storage, prescribing, dispensing and administering of recalled drugs in the facility will be notified to return these drugs to the pharmacy for proper disposition.

I. Drug administration errors, adverse drug reactions, and incompatibilities shall be immediately reported to the attending physician, pharmacist and, if appropriate, to the hospital-wide quality assessment and improvement program. An entry shall be made in the patient's record.

J. Abuses and losses of controlled substances shall be reported to the individual responsible for pharmaceutical services, the chief executive officer, the Louisiana Board of Pharmacy, and to the Regional Drug Enforcement Administration (DEA) office, as appropriate.

K. Information relating to drug interactions, drug therapy, side effects, toxicology, dosage, indications for use and routes of administration shall be available to the staff.

L. A formulary system shall be established by the appropriate hospital committee to assure quality pharmaceuticals at reasonable costs, subject only to the restrictions of R.S. 37:1226.1 and LAC 46:LIII.1109.B.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

#### **§9355. Environment**

A. All drugs and biologicals shall be kept in a locked, well illuminated clean medicine cupboard, closet, cabinet, or room under proper temperature controls and accessible only to individuals authorized to administer or dispense drugs. A list of authorized individuals shall be developed in cooperation with the medical, nursing, administrative and pharmaceutical staff. Compartments appropriately marked shall be provided for the storage of poisons and external use drugs and biologicals, separate from internal and injectable medications.

B. All controlled substances shall be kept separately from other non-controlled substances in a locked cabinet or compartment. Exceptions may be made, if listed in the pharmacy policy and procedures manual and deemed

necessary by the director of pharmacy, to allow some abusable nonscheduled drugs to be maintained in the same locked compartment.

C. Drugs and biologicals that require refrigeration shall be stored separately from food, beverages, blood and laboratory specimens.

D. The area within the pharmacy used for the compounding of sterile parenteral preparations shall be separate and apart, shall meet the requirements of the Board of Pharmacy regulation §2541 and be designed and equipped to facilitate controlled aseptic conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:

#### **§9357. Organization and Staffing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

#### **§9359. Content**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), repealed LR 29:

### **Subchapter E. Radiologic Services**

#### **§9361. General Provisions**

A. The hospital shall maintain, or have available through written contract, radiologic services according to the needs of the patients. If therapeutic services are also provided, they, as well as the diagnostic services, shall meet professionally approved standards for safety and personnel qualifications. The hospital shall comply with periodic inspections by the Department of Environmental Quality, Radiation Protection Division and shall promptly correct any identified hazards.

B. Radiologic services shall be supervised by a qualified radiologist on either a full-time, part-time or consulting basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9363. Safety**

A. The radiologic services, particularly ionizing radiology, shall adopt written policies and procedures to provide for the safety and health of patients and hospital personnel. The policies and procedures shall be available to all staff in the radiology department. At a minimum, the policies and procedures shall cover the following:

1. shielding for patients, personnel and facilities;
2. storage, use and disposal of radioactive materials;
3. periodic inspection of equipment and handling of identified hazards;

4. periodic checks by exposure meters or test badges on radiation workers;

5. radiologic services provided on the orders of practitioners with clinical privileges or other practitioners authorized by the medical staff and the governing body to order the service; and

6. managing medical emergencies in the radiologic department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9365. Personnel**

A. A qualified full-time, part-time, or consulting radiologist must supervise the ionizing radiology services and must interpret only those radiologic tests that are determined by the medical staff to require a radiologist's specialized knowledge. The radiologist shall have clinical privileges delineated by the medical staff.

B. Only personnel who are registered and/or licensed in the appropriate radiologic technology modality or category by the Louisiana State Radiologic Technology Board of Examiners and designated as qualified by the medical staff may use the radiologic equipment and administer procedures under the direction of a physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9367. Records**

A. Radiologic reports shall be signed by the practitioner who reads and interprets them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 13:246 (April 1987), amended LR 21:177 (February 1995), LR 29:

#### **§9369. Clinical Plan**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter F. Laboratory Services**

##### **§9371. Organization and Staffing**

A. The hospital shall provide laboratory services or make contractual arrangements with a laboratory certified in accordance with the Clinical Laboratory Improvement Amendments (CLIA) of 1988 to perform services commensurate with patient needs as determined by the medical staff on a 24-hour basis. Laboratory services shall be directed by an individual who meets appropriate qualifications of a director and is credentialed by the medical staff.

B. There shall be sufficient licensed qualified clinical laboratory scientists with documented training and experience to supervise the testing and sufficient numbers of licensed clinical laboratory scientists and supportive technical staff to perform the tests required of the clinical laboratory services.

C. The hospital shall have policies and procedures that address the administration of potentially HIV infectious blood or blood products, and the notification of patient, legal representative or relative within a specified time frame.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9373. Equipment and Records**

A. There shall be sufficient supplies, equipment and space to perform the required volume of work with optimal accuracy, precision, efficiency, timeliness and safety.

B. The laboratory shall ensure that satisfactory provisions are maintained for an instrumentation preventive maintenance program, an acceptable quality control program and an approved proficiency testing program covering all types of analysis performed by the laboratory services. Records and reports shall be maintained, retrievable, and as appropriate, filed in the patient's medical record.

C. The hospital shall make adequate provisions for the immediate pathological examination of tissue specimens by a pathologist.

D. The hospital shall make provisions for the procurement, storage and transfusion of blood and blood products.

E. The administration of blood shall be monitored to detect any adverse reaction as soon as it occurs. Prompt investigation of the cause of an adverse reaction shall be instituted. The results of all tests performed in the evaluation of an actual or suspected blood transfusion reaction shall be a permanent part of the patient's medical record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9375. General Provisions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter G. Food and Dietetic Services**

##### **§9377. General Provisions**

A. There shall be an organized dietary service that provides nutritional care to patients. All hospital contracts or arrangements for off-site food preparation shall be with a provider who is licensed by the department's healthcare division or operating under the authority of the federal government.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9379. Organization and Staffing**

A. Food and dietetic services shall be under the supervision of a registered dietitian, licensed to practice in Louisiana, who is employed either full time, part time or on a consulting basis. If the registered dietitian is not full time, there shall be a full time dietary manager.

- B. The dietary manager shall:
1. be a qualified dietitian; or
  2. be a graduate of a dietetic technician program, correspondence program or otherwise approved by the American Dietetics Association; or
  3. have successfully completed a course of study, by correspondence or classroom, which meets the eligibility requirements for certification by the Dietary Manager's Association; or
  4. have successfully completed a training course at a state approved school, vocational or university, which includes course work in foods and food service, supervision and diet therapy. Documentation of an eight-hour course of formalized instruction in diet therapy conducted by the employing facility's qualified dietitian is permissible if the course meets only the foods, food service and supervision requirements.

a. Exception. Hospitals with 25 or fewer beds that do not have on site food preparation for patient meals and contract for food services, another full-time employee, i.e., RN or LPN, will be allowed to carry out the responsibilities of the dietary manager. The RN or LPN must be qualified by training and experience and employed full time. The director of nursing shall not hold this position.

C. The registered dietitian shall be responsible for assuring that quality nutritional care is provided to patients. This shall be accomplished by providing and supervising the nutritional aspects of patient care including nutritional screening, nutritional assessments of patients at nutritional risk, patient education related to nutritional intake and diet therapy, and recording information in the medical record regarding the nutritional status and care of the patient and the patient's response to the therapeutic diet.

D. The hospital shall employ sufficient support personnel, competent in their respective duties, to carry out the function of the dietary service.

E. For hospitals that provide dietary services in accordance with §9377 above, a registered dietician shall be employed or under contract to assure proper dietary services are being provided in accordance with §9379.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9381. Menus and Therapeutic Diets**

A. Menus shall be prepared in advance, meet the nutritional needs of the patients in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences, or as modified in accordance with the orders of the practitioner(s) responsible for the care of the patient, and followed as planned.

B. Therapeutic diets shall be prescribed by the practitioner(s) responsible for the care of the patient. Each patient's diet shall be documented in the patient's medical record. There shall be a procedure for the accurate transmittal of dietary orders to the dietary service and for informing the dietary service when the patient does not receive the ordered diet or is unable to consume the diet.

C. There shall be a current therapeutic diet manual, which shall be the guide used for ordering and serving diets.

The manual shall be approved by the dietitian and medical staff and be readily available to all medical, nursing and food service personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9383. Sanitary Conditions**

A. Food shall be in good condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. All food shall be procured from sources that comply with all laws and regulations related to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

B. All food shall be stored, prepared, distributed and served under sanitary conditions to prevent food borne illness. This includes keeping all readily perishable food and drink at or below 41°F, except when being prepared and served. Refrigerator temperatures shall be maintained at 41°F. or below, freezers at 0°F or below.

C. Hot foods shall leave the kitchen or steam table at or above 140°F., and cold foods at or below 41°F In-room delivery temperatures shall be maintained at 120°F or above for hot foods and 50°F or below for cold items, except for milk which shall be stored at 41°F. Food shall be transported to the patients' rooms in a manner that protects it from contamination, while maintaining required temperatures.

D. All equipment and utensils used in the preparation and serving of food shall be properly cleansed, sanitized and stored. This includes maintaining a water temperature in dish washing machines at 140°F during the wash cycle (or according to the manufacturer's specifications or instructions) and 180°F for the final rinse. Low temperature machines shall maintain a water temperature of 120°F with 50 parts per million (ppm) of hypochlorite (household bleach) on dish surfaces. For manual washing in a 3 compartment sink, a wash water temperature of 75°F with 50 ppm of hypochlorite or equivalent, or 12.5 ppm of iodine; or a hot water immersion at 170°F for at least 30 seconds shall be maintained. An approved lavatory shall be convenient and equipped with hot and cold water tempered by means of a mixing valve or combination faucet for dietary services staff use. Any self-closing, slow-closing, or metering faucet shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Effective with the promulgation of these requirements, an additional lavatory shall be provided in the dishwasher area in newly constructed hospitals or in existing hospitals undergoing major dietary alterations.

E. Dietary staff shall not store personal items within the food preparation and storage areas.

F. Dietary staff shall use good hygienic practices. Staff with communicable diseases or infected skin lesions shall not have contact with food, if that contact will transmit the disease.

G. Toxic items such as insecticides, detergents, polishes and the like shall be properly stored, labeled and used.

H. Garbage and refuse shall be kept in durable, easily cleanable, insect and rodent-proof containers that do not leak and do not absorb liquids. Containers used in food

preparation and utensil washing areas shall be kept covered after they are filled.

I. The physical environment in which all food preparation takes place shall be kept clean and in good repair.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9385. Equipment**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

### **Subchapter H. Medical Record Services**

#### **§9387. Organization and Staffing**

A. There shall be a medical records department that has administrative responsibility for maintaining medical records for every person evaluated or treated as an inpatient, outpatient or emergency patient. Medical records for patients at off-site campuses shall be integrated into the unified records system of the provider.

B. Medical records shall be under the supervision of a medical records practitioner (i.e., registered record administrator or accredited record technician) on either a full-time, part-time or consulting basis.

C. Medical records shall be legibly and accurately written in ink, dated and signed by the recording person or, if a computerized medical records system is used, authenticated, complete, properly filed and retained, and accessible.

D. If a facsimile communications system (fax) is used, the hospital shall take precautions when thermal paper is used to ensure that a legible copy is retained as long as the medical record is retained.

E. Written orders signed by a member of the medical staff shall be required for all medications and treatments administered to patients. There shall be a reliable method for personal identification of each patient. The medical staff bylaws shall include specifications for orders for the care or treatment of patients which are given to the hospital verbally or transmitted to the hospital electronically, whether by telephone, facsimile transmission or otherwise. The bylaws may grant the medical staff up to ten days following the date an order is transmitted verbally or electronically to provide the signature or countersignature for such order.

F. If rubber stamp signatures are authorized for physician use, the administrative office shall have on file a signed statement from the medical staff member whose stamp is involved that ensures that he/she is the only one who has the stamp and uses it. The delegation of their use by others is prohibited.

G. If electronic signatures are used, the hospital shall develop a procedure to assure the confidentiality of each electronic signature and to prohibit the improper or unauthorized use of any computer generated signature.

H. There shall be adequate medical record personnel to ensure prompt completion, filing and retrieval of records.

I. The hospital shall have a system of coding and indexing medical records. The system shall allow for timely

retrieval by diagnosis and procedure, in order to support quality assessment and improvement evaluations.

J. The hospital shall ensure that all medical records are completed within 30 days following discharge.

K. A patient or his/her personal representative shall be given reasonable access to the information contained in his/her hospital record. The hospital shall, upon request in writing signed and dated by either the patient or personal representative initiating the request, furnish a copy of the hospital record as soon as practicable, not to exceed 15 days following the receipt of the request and written authorization and upon payment of the reasonable cost of reproduction in accordance with Louisiana R.S. 40:1299.96. However, the hospital may deny the patient access if a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the patient or another person.

L. A hospital record may be kept in any written, photographic, microfilm, or other similar method or may be kept by any magnetic, electronic, optical or similar form of data compilation which is approved for such use by the department. No magnetic, electronic, optical or similar method shall be approved unless it provides reasonable safeguards against erasure or alteration.

M. A hospital may at its discretion, cause any hospital record or part to be microfilmed, or similarly reproduced, in order to accomplish efficient storage and preservation of hospital records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9389. Content**

A. The medical record shall contain the following minimum data:

1. unique patient identification data;
2. admission and discharge dates;
3. complete history and physical examination, in accordance with medical staff policies and procedures;
4. provisional admitting diagnosis and final diagnosis;
5. medical staff orders;
6. progress notes;
7. nursing documentation and care plans;
8. record of all medical care or treatments; and
9. discharge summary.

B. The medical record shall contain the following when applicable:

1. clinical laboratory, pathological, nuclear medicine, radiological and/or diagnostic reports;
2. consultation reports;
3. pre-anesthesia note, anesthesia record, and post-anesthesia notes;
4. operative reports;
5. obstetrical records, including:
  - a. record of mother's labor, delivery, and postpartum period;
  - b. separate infant record containing date and time of birth, condition at birth, sex, weight at birth if condition permits weighing, and condition of infant at time of discharge;

- c. autopsy reports; and/or
- d. any other reports pertinent to the patient's care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9391. Registers and Reports**

A. The hospital shall have the following registers and reports, where applicable, which may be computer generated:

- 1. patients' register;
- 2. emergency room register;
- 3. birth register;
- 4. delivery room register;
- 5. operating room register;
- 6. death register;
- 7. analysis of hospital service via the quality assessment and improvement program, based on patient statistics; and
- 8. daily census report of admissions, births, discharges and deaths.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9393. Confidentiality**

A. The hospital shall ensure the confidentiality of patient records, including information in a computerized medical record system, in accordance with the HIPAA Privacy Regulations (Title 45, Part 164, Subpart E of the Code of Federal Regulations) and any Louisiana state laws and regulations which provide a more stringent standard of confidentiality than the HIPAA Privacy Regulations. Information from or copies of records may be released only to authorized individuals, and the hospital must ensure that unauthorized individuals cannot gain access to or alter patient records. Original medical records shall not be released outside the hospital unless under court order or subpoena or in order to safeguard the record in the event of a physical plant emergency or natural disaster. Psychiatric medical records shall be segregated to ensure confidentiality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9395. Retention**

A. Hospital records shall be retained by the hospital in their original, microfilmed or similarly reproduced form for a minimum period of 10 years from the date a patient is discharged.

B. Graphic matter, images, x-ray films, nuclear medicine reports and like matter that were necessary to produce a diagnostic or therapeutic report shall be retained, preserved and properly stored by the hospital in their original, microfilmed or similarly reproduced form for a minimum period of three years from the date a patient is discharged. (Note: Medicare and/or Medicaid participating hospitals must maintain copies of reports and printouts, films, scans and other image records for at least five years). Such graphic matter, images, x-ray film and like matter shall be retained

for longer periods when requested in writing by any one of the following:

- 1. an attending or consulting physician of the patient;
- 2. the patient or someone acting legally in his/her behalf;
- 3. legal counsel for a party having an interest affected by the patient's medical records.

C. A hospital that is closing shall notify the department in writing at least 30 days prior to cessation of operation for approval of their plan for the disposition of patients' medical records. The plan shall contain provisions that comply with state laws on the storage, maintenance, access and confidentiality of the closed hospital's patient medical records. It shall consist of an appointed custodian who shall provide physical and environmental security that protects against fire, water, intrusion, unauthorized access, loss and destruction. The plan shall also provide public notice on access in the newspaper, with the largest circulation, in close proximity of the closing hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9397. Waste and Hazardous Materials Management**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

**Subchapter I. Quality Assessment and Improvement**

**§9399. General Provisions**

A. The governing body shall ensure that there is an effective, written, ongoing, hospital-wide program designed to assess and improve the quality of patient care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9401. Clinical Plan**

A. There is a written plan for assessing and improving quality that describes the objectives, organization, scope and mechanisms for overseeing the effectiveness of monitoring, evaluation, and improvement activities. All organized services related to patient care, including services furnished by a contractor, shall be evaluated. Nosocomial infections and medication therapy shall be evaluated. All medical and surgical services and other invasive procedures performed in the hospital shall be evaluated as they relate to appropriateness of diagnosis and treatment. The services provided by each practitioner with hospital privileges shall be periodically evaluated to determine whether they are of an acceptable level of quality and appropriateness.

B. Each department or service of the hospital shall address:

- 1. patient care problems;
- 2. cause of problems;
- 3. documented corrective actions; and
- 4. monitoring or follow-up to determine effectiveness of corrective actions taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9403. Implementation**

A. Each department or service of the hospital, through its governing body, shall take and document appropriate remedial action to address deficiencies found through the quality assessment and improvement program. The hospital shall document the outcome of all remedial actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9405. Patient Care Services**

A. The hospital shall have an on-going plan, consistent with available community and hospital resources, to provide or make available social work, psychological and educational services to meet the medically related needs of its patients.

B. The hospital shall also have an effective, on-going discharge planning program that facilitates the provision of follow-up care. Each patient's record shall be annotated with a note regarding the nature of post hospital care arrangements. Discharge planning shall be initiated in a timely manner. Patients, along with necessary medical information (e.g., the patient's functional capacity, nursing and other care requirements, discharge summary, referral forms) shall be transferred or referred to appropriate facilities, agencies or outpatient services, as needed, for follow-up or ancillary care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9407. Post-Operative Area**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

### **Subchapter J. Physical Environment**

#### **§9409. General Provisions**

A. The hospital shall be constructed, arranged and maintained to ensure the safety and well being of the patient.

B. Hospitals with specialty units such as psychiatric or rehabilitative units must also comply with the physical environment requirements as expressed within those particular chapters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9411. Buildings**

A. The buildings shall reflect good housekeeping and shall by means of an effective pest control program, be free of insects and rodents.

B. The hospital shall maintain hospital-wide ventilation, lighting and temperature controls.

C. There shall be a provision of emergency sources of critical utilities such as electricity, natural gas, water and fuel

during any period in which the normal supply is temporarily disrupted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9413. Nursing Units**

A. A nurses' station equipped with a telephone and a nurse call system shall be provided in a suitable location on each nursing unit.

B. An adequate and properly equipped utility space or area shall be provided on each nursing unit for the preparation, cleaning and storage of nursing supplies and equipment used on the nursing unit. This utility space shall be so arranged as to provide for separation of clean and soiled supplies and equipment.

1. Grab bars properly located and securely mounted shall be provided at patient bathing facilities and toilet bowl with accessories.

2. A lavatory basin shall be provided in or convenient to every toilet bowl with accessories.

3. Paper towels in a satisfactory dispenser or some other acceptable type of single use towel and a satisfactory receptacle for used towels shall be provided at all lavatories.

C. Areas for the isolation of patients with communicable diseases may be established on a temporary basis as the need arises. A private room or a corridor wing may be used provided appropriate isolation techniques are enforced, including identifying signs to warn and restrict the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9415. Patient Rooms**

A. Except as provided for in intensive care units, all patient rooms shall be outside rooms with a window area of clear glass of not less than 12 square feet.

B. In hospitals constructed prior to November 20, 1990 single rooms shall contain at least 80 square feet and multi-bed rooms shall contain at least 70 square feet per bed. In hospitals constructed subsequent to November 20, 1990 single rooms must contain at least 100 square feet and multi-bed rooms shall contain at least 80 square feet per bed, exclusive of fixed cabinets, fixtures, and equipment, in accordance with *Guidelines for Construction and Equipment of Hospital and Medical Facilities*, 1987 Edition. In hospitals constructed subsequent to March 1, 1995, single rooms must contain at least 120 square feet and multi-bed rooms shall contain at least 100 square feet per bed, exclusive of fixed cabinets, fixtures, and equipment, in accordance with *Guidelines for Construction and Equipment of Hospitals and Medical Facilities, Current Edition*. Any patient room shall not contain more than four beds. Rooms shall have at least a 7<sup>2</sup> foot ceiling height over the required area.

C. There shall be at least 3 feet between beds.

D. Rooms shall be arranged so as to permit the movement of a wheeled stretcher to the side of each bed.

E. There shall be sufficient and satisfactory separate storage space for clothing, toilet articles and other personal belongings of patients.

F. Every patient room shall have a lavatory. This lavatory is not necessary in rooms with an adjoining toilet or bathroom that has a lavatory. In new construction, lavatory requirements will be directed by *Guidelines for Construction and Equipment of Hospitals and Medical Facilities Current Edition*.

G. There shall be at least one toilet bowl with accessories, lavatory basin and bathing facility reserved for patient use on each patient floor and additional toilets, lavatories, and bathing facilities to adequately meet the needs of employees, professional personnel and patients on each nursing unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9417. Patient Room Furnishings**

A. A hospital type bed with suitable mattress, pillow and necessary coverings shall be provided for each patient. There shall be a bedside stand, chair, and wardrobe, locker, or closet suitable for hanging full-length garments and storing personal effects for each patient.

B. A nurses call system, within easy reach of each bed, shall be provided. The call system shall also be provided in each patient toilet and bathing area.

C. Each bed in multi-bed rooms shall have approved ceiling suspended curtains, which extend around the bed to provide total visual privacy in combination with adjacent walls and curtains. A properly designed lamp or over-bed light, which can be operated by the patient, shall be provided at each bed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9419. Equipment**

A. Equipment shall be clean and in good repair for the safety and well-being of the patients.

B. Therapeutic, diagnostic and other patient care equipment shall be maintained and serviced in accordance with the manufacturer's recommendations.

C. All patients, when appropriate due to diagnosis, shall be provided with patient care items such as a bedpan, washbasin, emesis basin, drinking glass and soap dish. These supplies and equipment shall be properly cleaned and in appropriate cases shall be sterilized between use for different patients if disposable items are not used.

D. Methods for cleaning, sanitizing, handling and storing of all supplies and equipment shall be such as to prevent the transmission of infection through their use.

E. After discharge of a patient, the bed, mattress, cover, bedside furniture, and equipment shall be properly cleaned. Mattresses, blankets and pillows assigned to patients shall be in a sanitary condition. The mattress, blankets and pillows used for a patient with an infection shall be sanitized in an acceptable manner before they are assigned to another patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9421. Facilities**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter K. Infection Control**

#### **§9423. Organization and Policies**

A. The hospital shall provide a sanitary environment to avoid sources and transmission of infections and communicable diseases.

B. There shall be an effective infection control program for the prevention, control, investigation and reporting of communicable disease and infections. The infection control program shall meet or exceed the latest criteria established by the following:

1. Centers for Disease Control;
2. Occupational Safety and Health Administration; and
3. *Sanitary Code* of the state of Louisiana.

C. A person or persons qualified by education and experience and competent in infection control practices shall be designated as infection control officer(s). This individual(s) shall be responsible for the development and implementation of a hospital-wide infection control program.

D. The infection control officer(s) shall develop, with approval of the medical director and governing body, policies and procedures for identifying, reporting, investigating, preventing and controlling infections and communicable diseases of patients and hospital personnel. The infection control officer(s) shall maintain a log of incidents related to infections and communicable diseases.

E. Employees with symptoms of illness that have the potential of being communicable (i.e. diarrhea, skin lesions, respiratory symptoms) shall be either evaluated by hospital staff or restricted from patient care activities during the infectious stage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9425. Responsibilities**

A. The chief executive officer or administrator, the medical staff and the director of nursing services shall ensure that the hospital-wide quality assessment and improvement program and training programs address problems identified by the infection control officer(s). They shall be responsible for the implementation of successful corrective action plans in affected problem areas. Infection control activities or programs conducted or instituted in different departments of the hospital shall have the approval of the infection control officer(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9427. Laundry Services**

A. A supply of clean linen, sufficient to meet the requirements of the patients, shall be provided by a laundry service either in-house, contracted with another healthcare

facility or in accordance with an outside commercial laundry service. All linens shall be handled, cleaned, sanitized, stored and transported in such a way as to prevent infection.

B. Clean linen shall be delivered in such a way as to minimize microbial contamination from surface contact or airborne deposition. Soiled linen shall be collected in such a manner as to minimize microbial dissemination into the environment. All linen shall be laundered between patient use.

C. Contaminated laundry shall be specially handled according to the hospital's written protocol, which is approved by the infection control officer(s). If laundry chutes exist, linen shall be bagged and the chutes shall empty into an enclosed collection room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9429. Central Supply**

A. Space shall be provided for the preparation, storage, handling and distribution of sterile supplies and other patient care items. Functional design shall provide for the separation of soiled and contaminated supplies from those that are clean and sterile. All central supply departments shall adhere to strict traffic control in their departments. Air circulation systems in central supply shall be negative pressure in decontamination and ethylene oxide areas and positive pressure in all clean areas.

B. Hand washing facilities shall be provided in all work areas. There shall be written policies and procedures for the decontamination and sterilization of supplies and equipment, shelf life of all stored sterile items and reuse of disposable items in accordance with the latest criteria established by the Centers for Disease Control.

C. All steam sterilizing equipment shall have live bacteriological spore monitoring performed at least weekly and with each load containing an implantable device. If tests are positive, a system shall be in place to recall supplies.

D. All ethylene oxide sterilizing equipment shall have live bacteriological spore monitoring performed with each load. There shall be ventilation of the room used for this sterilization to the outside atmosphere and there shall be a system in place to monitor trace gases of ethylene oxide at least monthly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9431. Isolation**

A. The hospital shall have appropriate facilities and procedures for infection control and the isolation of patients as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9433. Waste and Hazardous Materials Management**

A. The hospital shall have a written and implemented waste management program that identifies and controls wastes and hazardous materials. The program shall comply

with all applicable laws and regulations governing wastes and hazardous materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9435. Organization**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter L. Surgical Services (Optional)**

##### **§9437. General Provisions**

A. Surgical services are provided. The services shall be well organized and provided in accordance with acceptable standards of practice. If outpatient surgical services are offered, the services shall be consistent in quality with inpatient care in accordance with the complexity of services offered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9439. Organization and Staffing**

A. Surgical services shall be under the medical direction of a qualified physician who is a member of the medical staff and appointed by the governing body.

B. Surgical privileges shall be delineated for all practitioners performing surgery in accordance with the competencies of each practitioner. The surgical services shall maintain a roster of practitioners specifying the surgical privileges of each practitioner.

C. The surgical suite shall be supervised by a registered nurse experienced and competent in the management of surgical services.

D. A qualified registered nurse shall perform circulating duties for surgical procedures performed. In accordance with the needs of patients and the complexity of services performed, licensed practical nurses and operating room technicians may assist in circulatory duties under the supervision of a registered nurse who is immediately available to respond to emergencies. Licensed practical nurses and operating room technicians may perform scrub functions under the supervision of a registered nurse.

E. The operating room register shall be complete and up-to-date. It shall include at least the following:

1. patient's name;
2. patient's hospital identification number;
3. date of the operation;
4. inclusive or total time of the operation;
5. name of the surgeon and any assistant(s);
6. name of nursing personnel (scrub and circulating);
7. type of anesthesia used;
8. name of the person administering the anesthesia; and
9. operation performed.

F. An operative report describing techniques, findings, and tissue removed or altered shall be written or dictated immediately following surgery and signed by the surgeon. It shall include at least:



1. the name and hospital identification number of the patient;
2. date of surgery;
3. name of the surgeon and assistant(s);
4. pre-operative and post-operative diagnoses;
5. name of the specific surgical procedure(s) performed;
6. type of anesthesia administered;
7. complications, if any;
8. a description of techniques, findings, and the tissues removed or altered; and
9. prosthetic devices or implants used, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9441. Delivery of Service**

A. There shall be a complete history and physical work-up in the chart of every patient prior to surgery, except in emergency surgery. If the history and physical has been dictated, but not yet recorded in the patient's chart, there shall be a statement to that effect and an admission note in the chart by the practitioner who admitted the patient.

B. A properly executed informed consent form for the procedure must be in the patient's chart before surgery, except in emergencies. The consent form shall contain at least the following:

1. name of the patient;
2. hospital and patient identification number;
3. name of the procedure(s) or operation;
4. the reasonably foreseeable risks and benefits involved;
5. name of the practitioner(s);
6. signature of the patient or legal guardian;
7. date and time the consent is obtained; and
8. signature and professional designation of the person witnessing the consent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9443. Surgery Suite and Equipment**

A. The surgical suite shall be appropriately equipped and consist of a clear floor area to accommodate the equipment and personnel required, allowing for aseptic technique.

B. The surgical suite(s) shall be located in a segregated area out of the line of traffic of visitors and personnel from other departments and arranged so as to prevent traffic through them.

C. There shall be scrub-up facilities in the surgical suite providing hot and cold running water and equipped with knee, foot or elbow faucet controls.

D. There shall be a provision for washing instruments and equipment, which are to be cleaned within the surgical suite. If an autoclave is present, the same operating requirements referenced in Subchapter K, Infection Control shall be implemented.

E. There shall be policies and procedures, approved by the Infection Control Committee that addresses terminal cleaning of the operating room as well as cleaning of the room between surgical cases.

F. The emergency equipment in the surgical suite shall include:

1. a communication system that connects each operating room with a control center;
2. cardiac monitor;
3. resuscitator;
4. defibrillator;
5. aspirator; and
6. tracheotomy set.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9445. Post-Operative Area**

A. There shall be a post-operative care area (recovery room) which is a separate area of the hospital, unless provisions are made for close observation of the patient until they have regained consciousness (e.g., direct observation by an RN in the patient's room). Access shall be limited to authorized personnel. There shall be policies and procedures which specify transfer requirements to and from the post-operative area.

B. There shall be at least two health care personnel, one of which is a registered nurse, present whenever there is a patient. There shall be emergency equipment and monitoring equipment in the immediate area of the post-operative area. The equipment shall be commensurate with the surgical procedure and the medical requirements of the patient. That equipment shall include, but not be limited to, the following:

1. EKG/ECG monitor;
2. pulse oxymeter monitor;
3. temperature monitoring equipment;
4. equipment to administer oxygen;
5. equipment necessary to monitor vital signs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9447. Facilities**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter M. Anesthesia Services (Optional)**

##### **§9449. General Provisions**

A. If anesthesia services are provided, which is mandatory when surgical or obstetric services are provided, they must be provided in a well organized manner under the direction of a qualified doctor of medicine or osteopathy.

B. The standards in this Chapter apply to services for all patients who:

1. receive general, spinal, or other major regional anesthesia; or
2. undergo surgery or other invasive procedures when receiving general, spinal, or other major regional anesthesia and/or intravenous, intramuscular, or inhalation sedation/analgesia, including conscious sedation, that, in the manner used in the hospital, may result in the loss of the patient's protective reflexes.

C. Invasive procedures include, but are not limited to, percutaneous aspirations and biopsies, cardiac and vascular catheterization, and endoscopies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9451. Organization and Staffing**

A. Anesthesia services shall be administered by practitioners with appropriate clinical privileges obtained through a mechanism that assures that each practitioner provide only those services for which they have been licensed, trained and deemed to be competent to administer anesthesia within the scope of their practice. Those practitioners include:

1. a qualified anesthesiologist;
2. a doctor of medicine or osteopathy;
3. a dentist, oral surgeon, or podiatrist who is qualified to administer anesthesia under state law;
4. a certified registered nurse anesthetist (CRNA) licensed by the Louisiana State Board of Nursing who is under the supervision of the operating practitioner or of an anesthesiologist who is immediately available if needed as defined in the medical staff bylaws; or
5. a bona fide student enrolled in a school of nurse anesthesia accredited by the Council on Accreditation of Nurse Anesthesia educational programs whose graduates are acceptable for certification by a nationally recognized certifying body may administer anesthesia as related to such course of study under the direct supervision of a certified registered nurse anesthetist or an anesthesiologist.

B. The individual administering the anesthesia shall be present throughout its administration and attending the patient until the patient is under the care of post-anesthesia staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9453. Delivery of Service**

A. Policies on anesthesia procedures must include the delineation of pre-anesthesia and post-anesthesia responsibilities. As a minimum, they shall address:

1. the qualifications, responsibilities and supervision required of all personnel who administer anesthesia;
2. patient consent for anesthesia;
3. infection control measures;
4. safety practices in all anesthetizing areas;
5. protocol for supportive life functions, e.g., cardiac and respiratory emergencies;
6. reporting requirements;
7. documentation requirements;
8. inspection and maintenance reports on all supplies and equipment used in anesthesia; and
9. trace gas reports.

B. The policies must also ensure that the following are provided for each patient:

1. a pre-anesthesia evaluation performed and recorded within 48 hours prior to surgery by an individual qualified to administer anesthesia;

2. a reevaluation of each patient immediately prior to induction of anesthesia;

3. an intra-operative anesthesia record that records monitoring of the patient during anesthesia and documentation of at least the following:

- a. prior to induction of the anesthesia, all anesthesia drugs and equipment to be used have been checked and are immediately available and are determined to be functional by the practitioner who is to administer the anesthetic;
- b. dosages and total dosages of all drugs and agents used;
- c. type and amount of all fluid administered, including blood and blood products;
- d. technique(s) used;
- e. unusual events during the anesthesia period;
- f. the status of the patient at the conclusion of anesthesia;
- g. a post-anesthesia follow-up report written within 48 hours after surgery on inpatients and prior to discharge for patients undergoing one-day/same-day surgery by the individual who administers the anesthesia or another fully qualified practitioner within the anesthesia section; and
- h. a post-anesthesia evaluation on outpatients for proper anesthesia recovery performed in accordance with policies and procedures approved by the medical staff.

C. The anesthesia policy and procedure manual shall ensure that the following are provided for each patient undergoing:

1. general anesthesia:
  - a. the use of an anesthesia machine that provides the availability and use of safety devices including, but not limited to, an oxygen analyzer, pressure and disconnect alarm, pin-index safety system, gas-scavenging system, and oxygen pressure interlock system;
  - b. continuous monitoring of the patient's temperature and vital signs, as well as the continuous use of an EKG/ECG, pulse oximeter monitor, end tidal carbon dioxide volume monitor, and peripheral nerve stimulator monitor;
2. regional anesthesia (major nerve blocks):
  - a. all equipment listed in the above list for general anesthesia shall be immediately available and in the operating room where the procedure is being performed; and
  - b. continuous monitoring of the patient's vital signs, and temperature, as well as the continuous use of an EKG/ECG, and pulse oximeter monitor; and
  - c. monitored by the practitioner who administered the regional anesthetic or individuals identified as a practitioner listed in §9451.A;
3. local anesthesia (infiltration or topical). There shall be:

- a. continuous monitoring of the patient's vital signs and temperature as well as the continuous use of an EKG/ECG, and pulse oximeter monitor; and
- b. monitoring by the practitioner who administered the local anesthetic or a practitioner listed within §9451.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9455. General Provisions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter N. Nuclear Medicine Services (Optional)**

##### **§9457. General Provisions**

A. If the hospital provides nuclear medicine services or contracts for the services, those services must meet the needs of the patients in accordance with acceptable standards of practice and be provided in a safe and effective manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9459. Organization and Staffing**

A. The organization of the nuclear medicine services shall be appropriate to the scope and complexity of the services offered. There shall be a director who is a doctor of medicine or osteopathy qualified in nuclear medicine and named in the Department of Environmental Quality, Radiation Protection Division radioactive material license as authorized to use radioactive materials in humans.

B. Nuclear medicine services shall be ordered only by a practitioner whose scope of federal or state licensing and defined staff privileges allow such referrals.

C. The performance of nuclear medicine diagnostic procedures and the administration of radioactive material to humans may be accomplished only by the licensed physician practitioner or by the licensed nuclear medicine technologist.

AUTHORITY NOTE: promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9461. Delivery of Service**

A. Radioactive materials shall be prepared, labeled, used, transported, stored and disposed of in accordance with acceptable standards of practice.

B. In-house preparation of radiopharmaceuticals shall be by, or under the supervision of an appropriately trained registered pharmacist or a doctor of medicine or osteopathy whose use of radioactive materials is authorized in the facility's Department of Environmental Quality, Radiation Protection Division radioactive material license.

C. There shall be proper storage and disposal of radioactive materials. If clinical laboratory tests are performed in the nuclear medicine service, the service shall meet the requirements for clinical laboratories with respect to management, adequacy of facilities, proficiency testing and quality control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9463. Facilities**

A. Equipment and supplies shall be appropriate for the types of nuclear medicine services offered and shall be maintained for safe and efficient performance.

B. The equipment shall be maintained in safe operating condition, and inspected, tested, and calibrated at least annually by qualified personnel. The nuclear medicine

service shall have and follow a preventive maintenance schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9465. Records**

A. The hospital shall maintain signed and dated reports of nuclear medicine interpretations, consultations and procedures. The hospital shall maintain copies of nuclear medicine reports in accordance with the retention requirement specified in Subchapter H, Medical Record Services.

B. The practitioner approved by the medical staff and authorized by the facility's Department of Environmental Quality, Radiation Protection Division radioactive material license to interpret diagnostic procedures shall sign and date the interpretations of these tests.

C. The hospital shall maintain records of the receipt and disposition of radiopharmaceuticals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9467. Obstetrical Unit Functions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter O. Outpatient Services (Optional)**

##### **§9469. General Provisions and Organization**

A. If the hospital provides outpatient services, the services must meet the needs of the patients in accordance with acceptable standards of practice.

B. Outpatient services shall be appropriately organized, integrated with, and provided in accordance with the standards applicable to the same service provided by the hospital on an inpatient basis. There shall be established methods of communication as well as established procedures to assure integration with inpatient services that provide continuity of care. When outpatients are admitted, pertinent information from the outpatient record shall be in the inpatient record.

C. Any room designated for procedures or treatment involving conscious sedation shall have policies and procedures established by the medical staff to insure quality of care and safety of patients. Such guidelines shall include at a minimum:

1. pre-procedure preparation;
2. patient monitoring;
3. discharge criteria; and
4. staff competency requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9471. Personnel**

A. The hospital shall assign an individual to be responsible for the outpatient services. There shall be

appropriate professional and non-professional personnel available.

B. There must be a registered nurse on the observation unit as long as there are patients admitted to the unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9473. Facilities**

A. All outpatient facilities shall be accessible to and usable by handicapped employees, staff, visitors and patients. Where appropriate, there shall be at least:

1. a receptionist desk;
2. waiting space;
3. an examination room equipped with a lavatory and nurse call system;
4. public toilet facilities;
5. public telephone; and
6. drinking fountain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9475. Neonatal Unit Functions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

#### **Subchapter P. Rehabilitation Services (Optional)**

##### **§9477. General Provisions**

A. If the hospital provides a range of rehabilitation services, including but not limited to physical therapy, occupational therapy, audiology or speech pathology services, the services shall be organized, operated and staffed in accordance with the provisions of this Subchapter P to ensure the health and safety of patients.

B. A rehabilitation unit or facility is defined as a designated unit or hospital that primarily provides physiological rehabilitation services to inpatients and/or outpatients.

C. For rehabilitation services that have multiple geographic locations, each geographical site shall meet the requirements in §9483.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

##### **§9479. Organization and Staffing**

A. The organization of services shall be appropriate to the scope of the services offered. The rehabilitation service shall employ and define the leadership structure in accordance with the facility administration. The medical director of rehabilitation services shall:

1. be a doctor of medicine or osteopathy;
2. be licensed to practice medicine or surgery in accordance with state law;
3. have completed a one year hospital internship; and

4. have had at least two years of training or experience, within the last five years, in the medical management of patients requiring rehabilitation services.

B. Medical Director

1. It is expected that the experience and training of the medical director of rehabilitation services will be sufficient to provide the expertise to perform all of the functions within the service.

2. The medical director of rehabilitation services will be responsible to ensure that the objectives of each of the therapeutic disciplines of the rehabilitation program are efficiently conducted within the stated mission of the program and in accordance with current standards of rehabilitation medicine.

C. Physical therapy, occupational therapy, psychology/neuropsychology, speech therapy and audiology services shall be provided by staff that meet the qualifications in accordance with Louisiana law. All rehabilitation staff shall be duly licensed to practice in the areas in which they provide service.

D. A rehabilitation unit in a general hospital shall employ a full-time registered nurse as director of rehabilitation nursing services who is not shared with any other hospital department and who has three years clinical nursing experience, one of which shall be in providing rehabilitative nursing care. The unit shall provide 24-hour registered nurse coverage with an adequate number of licensed nurses and rehabilitative workers to provide the nursing care necessary under each patient's active treatment program.

E. In a rehabilitation hospital, the director of nursing services shall be a full-time registered nurse who has three years clinical nursing experience, one of which shall be in providing rehabilitative nursing care. In addition to the director of nursing services, the hospital shall provide 24-hour registered nurse coverage with an adequate number of licensed nurses and rehabilitative workers to provide the nursing care necessary under each patient's active treatment program.

F. If provided, psychological services shall be provided by or supervised by a psychologist licensed by the Louisiana State Board of Examiners of Psychologists.

G. Social services shall be provided by a licensed clinical social worker and shall meet the needs of the patients.

H. If the hospital provides a range of rehabilitation services, the services must define criteria for admission to the inpatient rehabilitation program and discharge from the inpatient program.

I. There shall be an interdisciplinary team which should include, but not be limited to:

1. a registered nurse with rehabilitation experience on each shift;
2. restorative nursing assistants and/or certified nursing aides;
3. a physical therapist;
4. an occupational therapist;
5. a psychologist/neuropsychologist;
6. a physician experienced in rehabilitation medicine;
7. a social worker;
8. a speech-language pathologist.

J. The program should provide or make arrangements for:

1. audiology services;

2. driver assessment;
3. driver education;
4. medical nutrition therapy;
5. orthotic services;
6. prosthetic services;
7. rehabilitation resources (independent centers);
8. vocational rehabilitation;
9. durable medical equipment;
10. specialty consultants;
11. other services consistent with the criteria for admission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9481. Delivery of Services**

A. Rehabilitation services shall be furnished in accordance with a written plan of treatment based upon an assessment performed by the qualified professional. The written plan of treatment shall be established prior to the beginning of treatment. The plan of treatment shall consist of at least the treatment goals, type, amount, frequency and duration of services.

B. Rehabilitation services shall be given in accordance with the orders of practitioners who are authorized by the medical staff to order the services. The orders shall be incorporated in the patient's medical record.

C. The patient's progress shall be documented on a timely and regular basis in accordance with written policies and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9483. Facilities Physical Space**

A. Space and equipment shall be appropriate for the types of rehabilitation services offered and shall be maintained for safe and efficient performance and in accordance with the Rehabilitation Chapter and General Hospital Chapter of the *AIA Guidelines for Design and Construction of Hospital and Health Care Facilities*, 2001 (or most recent edition).

B. The Activities of Daily Living (ADL) room is in addition to the licensed bed capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9485. Pediatric Intensive Care Units**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

**Subchapter Q. Respiratory Care Services (Mandatory)**

**§9487. General Provisions**

A. The hospital shall provide respiratory care services. The services shall meet the needs of the patients in accordance with acceptable standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9489. Organization and Staffing**

A. The organization of the respiratory care services shall be appropriate to the scope and complexity of the services offered. There shall be a director of the service who shall have the administrative authority and responsibility for implementing the hospital's policies. The director shall be a doctor of medicine or osteopathy with the knowledge, experience and capabilities to supervise and administer the services properly. The director may serve on either a full-time or part-time basis.

B. There shall be adequate numbers of respiratory therapists, respiratory therapy technicians and other personnel who meet the qualifications specified by the medical staff and approved by the governing body, consistent with Louisiana law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9491. Delivery of Services**

A. Respiratory care services shall be delivered in accordance with medical staff directives and incorporated in the patient's medical record. The order shall specify the type, frequency and duration of treatment, and as appropriate, the type and dose of medication, type of diluent, and the oxygen concentration. All respiratory care services provided shall be documented in the patient's medical record, including the type of therapy, date and time of administration, effects of therapy, and any adverse reactions.

B. Personnel qualified to perform specific procedures and the amount of supervision required for personnel to carry out specific procedures shall be designated in writing.

C. If blood gases or other clinical laboratory tests are performed in the respiratory care unit, the unit shall meet the requirement for clinical laboratories with respect to management, adequacy of facilities, proficiency testing and quality control as set forth in Subchapter F of these requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

**§9493. Staffing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), repealed LR 29:

**Subchapter R. Psychiatric Services (Optional)**

**§9495. General Provisions**

A. These requirements are applicable to those hospitals which are primarily engaged in providing psychiatric services for the diagnosis and treatment of mentally ill persons or have organized a physically and functionally distinct part unit within the hospital to provide these services. Pediatric and adolescent psychiatric units shall be

physically separated from adult psychiatric units. Facilities without separate pediatric and adolescent units shall have policies and procedures that prevent adult patients from comingling with pediatric and/or adolescent psychiatric patients.

B. For psychiatric services/facilities that have multiple geographic locations, each geographical site shall meet the requirements in §9497, §9499 and §9501.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9497. Facilities**

A. The layout, design of details, equipment and furnishings shall be such that patients shall be under close observation and shall not be afforded opportunities for hiding, escape or injury to themselves or others. The environment of the unit shall be characterized by a feeling of openness with emphasis on natural light and exterior views. Interior finishes, lighting and furnishings shall suggest a residential rather than an institutional setting while conforming with applicable fire safety codes. Security and safety devices shall not be presented in a manner to attract or challenge tampering by patients.

B. Windows or vents shall be arranged and located so that they can be opened from the inside to permit venting of combustion products and to permit occupants direct access to fresh air in emergencies. The operation of windows shall be restricted to inhibit possible escape or suicide. Where windows or vents require the use of tools or keys for operation, the tools or keys shall be either located on the same floor in a prominent location accessible to staff or carried by every staff member. With hospitals that have approved engineered smoke control systems, the windows may be fixed. Where glass fragments pose a hazard to certain patients, safety glazing and/or other appropriate security features shall be used. There shall be no curtain or venetian blind chords.

C. Where grab bars are provided, they shall be institutional type, shall not rotate within their fittings, be securely fastened with tamper-proof screw heads, and shall be free of any sharp or abrasive elements. If grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1 1/2 inches.

D. Where towel racks, closet and shower curtain rods are provided, they shall be the breakaway type.

E. Plastic bags and/or trash can liners shall not be used in patient care areas.

F. Electrical receptacles shall be of the safety type or protected by 5-milliampere ground-fault-interrupters.

G. There shall be outdoor space for patient recreation.

#### **H. Patient Rooms**

1. A nurses call system is not required, but if it is included, provisions shall be made for easy removal, or for covering call button outlets. A hospital shall have written policies and procedures to address call where no electronic system is in place.

2. Bedpan-flushing devices may be omitted from patient room toilets in psychiatric nursing units.

3. Visual privacy (e.g., cubicle curtains) in multi-bed rooms is not required.

4. Free standing closets shall be secured to the wall.

5. Electric patient beds are not to be used.

#### **I. Service Areas**

1. A secured storage area controlled by staff shall be provided for patients' belongings that are determined to be potentially harmful (e.g., razors, nail files, cigarette lighters).

2. Drugs and biologicals shall be stored in locked compartments under proper temperature controls, and only authorized personnel shall have access to the keys.

3. Food service may be one or a combination of the following:

a. a nourishment station;

b. a kitchenette designed for patient use with staff control of heating and cooking devices;

c. a kitchen service including a hand washing fixture, storage space, refrigerator, and facilities for meal preparation.

4. Storage space for stretchers and wheelchairs may be outside the psychiatric unit, provided that provisions are made for convenient access as needed for handicapped patients.

5. A separate charting area shall be provided with provisions for acoustical privacy. A viewing window to permit observation of patient areas by the charting nurse or physician may be used if the arrangement is such that patient files cannot be read from outside the charting space.

6. At least two separate social spaces, one appropriate for noisy activities and one for quiet activities shall be provided. The combined area shall be at least 40 square feet per patient with at least 120 square feet for each of the two spaces. This space may be shared by dining activities.

7. Space for group therapy shall be provided. This may be combined with the quiet space noted above when the unit accommodates not more than 12 patients, and when at least 225 square feet of enclosed private space is available for group therapy activities.

8. An automatic washer and dryer shall be provided for patient laundry.

9. Room(s) for examination and treatment with a minimum area of 120 square feet shall be provided within or in close proximity to the unit.

10. Separate consultation room(s) with minimum floor space of 100 square feet each, provided at a room-to-bed ratio of one consultation room for each 12 psychiatric beds shall be provided within the unit for interviews with patients and their families. The room(s) shall be designed for acoustical and visual privacy and constructed to achieve a noise reduction of at least 45 decibels.

11. Psychiatric hospitals or units shall provide 15 square feet of separate space per patient for occupational therapy, with a minimum total area of at least 200 square feet, whichever is greater. This space shall include provision for hand washing, work counter(s), storage and displays. Occupational therapy areas may serve more than one nursing unit. When the psychiatric nursing unit(s) contain fewer than 12 beds, the occupational therapy functions may be performed within the noisy activities area, if at least an additional 10 square feet per patient served is included.

12. A conference and treatment planning room for use by the psychiatric unit shall be provided. This room may be combined with the charting room.

#### **J. Seclusion Treatment Room**

1. There shall be at least one seclusion room for up to 24 beds or a major fraction thereof. It is intended for short-term occupancy by violent or suicidal patients and provides for patients requiring security and protection. The room(s) shall be either located for direct nursing staff supervision or observed through the use of electronic monitoring equipment.

2. If electronic monitoring equipment is used, it shall be connected to the hospital's emergency electrical source.

3. Each room shall be for single occupancy and contain at least 60 square feet. It shall be constructed to prevent patient hiding, escape, injury or suicide.

4. Where restraint beds are required by the functional program, 80 square feet shall be required.

5. If a facility has more than one psychiatric unit, located at the same geographical address, the number of seclusion rooms shall be determined by the total number of psychiatric beds at that location. However, if there are psychiatric units located at multiple and different geographical addresses, there shall be a seclusion room that meets these requirements at each off-site campus that offers inpatient psychiatric services.

6. Special fixtures and hardware for electrical circuits shall be used.

7. The minimum ceiling height shall be 9 feet.

8. Doors shall be 3 feet 8 inches wide, and shall permit staff observation of the patient while also maintaining provisions for patient privacy.

9. Seclusion rooms shall be accessed by an anteroom or vestibule which also provides direct access to a toilet room.

K. Ceiling construction in psychiatric patient rooms and seclusion room(s) shall be monolithic or tamper proof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:

#### **§9499. Supplies and Equipment**

A. Restraint equipment shall be immediately available and accessible to staff.

B. Recreational supplies and therapy equipment shall be available and in locked storage.

C. Locked storage areas shall be available for safekeeping of patient luggage and contraband items.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9501. Staffing**

A. The hospital or unit shall provide qualified professional, technical and consultative personnel to evaluate patients, formulate written individualized comprehensive treatment plans, provide active treatment measures and engage in discharge planning.

B. The hospital or unit shall employ a clinical director, who meets the training and experience requirements for examination by the American Board of Psychiatry and Neurology, or the American Osteopathic Board of Neurology and Psychiatry. The clinical director shall monitor and evaluate the quality and appropriateness of services and treatment provided by the medical staff.

C. The hospital or unit shall employ a full-time registered nurse as director of psychiatric nursing services, who is not shared with any other hospital department and who has:

1. a master's degree in psychiatric or mental health nursing; or

2. a master's degree in a related field such as psychology or nursing education and five years nursing experience and three years providing nursing care to the mentally ill; or

3. a bachelor's, associate degree or diploma in nursing with documented evidence of educational programs focused on treating psychiatric patients, which has occurred at intervals sufficient enough to keep the nurse current on psychiatric nursing techniques. In addition, the nurse shall have at least five years of nursing experience, three years of which were providing nursing care to the mentally ill, or receive regular, documented supervision/consultation from a master's prepared psychiatric nurse.

D. In addition to the director of psychiatric nursing service, the hospital or unit shall provide 24-hour registered nurse coverage with an adequate number of licensed nurses and mental health workers to provide the nursing care necessary under each patient's active treatment program.

E. Psychological services shall be provided by or supervised by a psychologist licensed by the Louisiana State Board of Examiners of Psychologists.

F. Social services shall be provided by a director who is a licensed clinical social worker and is experienced in the social service needs of the mentally ill.

G. Therapeutic activities such as art leisure counseling, recreational therapy, etc., shall be provided by licensed or certified therapists, adequate in number to respond to the therapeutic activity needs of the patient population being served. A certified therapist is a person with a college degree who has obtained a certification as an activity therapist, recreational therapist, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **Subchapter S. Obstetrical and Newborn Services (Optional)**

##### **§9505. General Provisions**

A. These requirements are applicable to hospitals that provide obstetrical and newborn services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

##### **§9507. Obstetrical Units**

A. There are four obstetrical level-of-care units established: Obstetrical Level I Unit; Obstetrical Level II Unit; Obstetrical Level III Unit; and Obstetrical Level III Regional Unit. If obstetrical services are provided, the hospital shall satisfy the basic Obstetrical Level I Unit requirements. Obstetrical services shall be provided in accordance with acceptable standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

### **§9509. Obstetrical Unit Functions**

#### **A. Obstetrical Level I Unit**

1. Care and supervision for low risk pregnancies shall be provided.
2. A triage system shall exist for identification, stabilization and referral of high risk maternal and fetal conditions beyond the scope of care of a Level I Unit.
3. There shall be a transfer agreement with a hospital which has an Obstetrical Level III Unit and/or Obstetrical Level III Regional Unit.
4. The unit shall provide detection and care for unanticipated maternal-fetal problems encountered in labor.
5. The unit shall have the capability to perform cesarean delivery within 30 minutes of the decision to do so.
6. Blood and fresh frozen plasma for transfusion shall be immediately available.
7. Anesthesia, radiology, ultrasound, electronic fetal monitoring (along with personnel skilled in its use) and laboratory services shall be available on a 24-hour basis.
8. Postpartum care facilities shall be available.
9. There shall be resuscitation and stabilization capability of all inborn neonates.
10. A qualified physician or certified nurse midwife shall attend all deliveries.

#### **B. Obstetrical Level II Unit**

1. This unit shall meet all requirements of all Obstetrical Level I Unit services at a superior level.
2. There shall be management of high risk conditions appropriate for the level of medical, nursing support and technical expertise available.
3. The role of an Obstetrical Level II Unit is to provide excellent levels of care for most obstetric conditions in its population, but not to accept transports of obstetrical patients with a gestation age of less than 30 weeks or 1,250 grams if delivery is imminent and likely to result in the delivery of such infant.
4. Conditions which would result in the delivery of an infant weighing less than 1,250 grams or less than 30 weeks gestation shall be referred to a Level III or Level III Regional obstetrical unit unless the patient is too unstable to transport safely. Written cooperative agreements with Obstetrical Level III and/or Obstetrical III Regional Units for transfer of these patients shall exist for all Obstetrical Level II Units.

5. There shall be performance of all Level I unit services at a superior level.
6. The unit shall be able to manage maternal complications of a mild to moderate nature that do not surpass the capabilities of a well trained board-certified obstetrician/gynecologist.
7. The needed subspecialty expertise is predominantly neonatal although perinatal cases might be appropriate to co-manage with a perinatologist.

8. Ultrasound shall be available on labor and delivery 24 hours a day.

#### **C. Obstetrical Level III Unit**

1. The unit shall meet all Obstetrical Level I and II Unit services at a superior level.
2. There shall be provision of comprehensive perinatal care for high risk mothers both admitted and transferred.

Pregnancies at highest risk shall be managed in these units. Pregnancies marked by extreme prematurity, need for fetal intervention, significant maternal illness (acute or chronic) shall be referred to an Obstetrical Level III or III Regional Unit.

3. Obstetric imaging capabilities to perform targeted ultrasound examinations in cases of known abnormalities shall be available.
4. Genetic counseling and diagnostics shall be provided as a comprehensive service.
5. Research and educational support to practitioners in the community shall be provided through organized outreach educational programs.
6. This unit shall provide for and coordinate maternal transport with Obstetrical Level I and II Units.
7. Cooperative transfer agreements with Obstetrical Level III Regional Units shall exist for the transport of mothers or fetuses requiring care unavailable in an Obstetrical Level III Unit or that are better coordinated at an Obstetrical Level III Regional Unit.
8. There shall be an initial evaluation of new high-risk technologies.
9. There shall be performance of all Level I and II Unit services at a superior level.
10. The unit shall provide care for the most premature labors.
11. The unit shall provide care for the most challenging of fetal conditions. Only those conditions requiring a medical team approach not available to the perinatologist in an Obstetrical Level III Unit shall be transported to an Obstetrical Level III Regional Unit.

12. The unit shall provide for the most challenging of maternal conditions. Only those conditions requiring an OB/ICU environment or specialty support unavailable in an Obstetrical Level III Unit shall be transported to an Obstetrical Level III Regional Unit.

13. Anesthesia services shall be in-house 24 hours per day.

#### **D. Obstetrical Level III Regional Unit**

1. The unit shall meet all requirements and performance of Level I, II and III NICU Unit services at a superior level.
2. There shall be a continuing commitment to maintain a depth and breadth of support specialties available in only the most sophisticated of medical centers.
3. These units shall provide for and coordinate maternal and neonatal transport with Level I, II and III NICU Units throughout the state.
4. Initial evaluation of new technologies shall be a goal of an Obstetrical Level III Regional Unit.
5. Hospitals with these units shall be recognized as a medical center of excellence, and a center of research, educational and consultative support to the medical community.

6. The unit shall have the ability to care for both mother and fetus in a comprehensive manner in an area dedicated to the care of the critically ill parturient.

7. An organized team dedicated to the care of the mother and of the fetus both in utero and after delivery shall be maintained. The team shall consist of, but is not limited to, specialist in the following areas: maternal fetal medicine, cardiology, neurology, neurosurgery and hematology.



Additionally, sub-specialists to provide expertise in the care of the critically ill parturient shall be on staff in the following areas: adult critical care, cardiothoracic surgery, nephrology, pulmonary medicine, cardiology, endocrinology, urology, neurosurgery, infectious disease and gastroenterology. A nutritionist shall also be available in the care of these patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9511. Medical Staff**

##### **A. Obstetrical Level I Unit**

1. Obstetrical services shall be under the medical direction of a qualified physician who is a member of the medical staff with obstetric privileges and is appointed by the governing body. This physician has the responsibility of coordinating perinatal services with the pediatric medical director.

##### **B. Obstetrical Level II Unit**

1. The chief of obstetric services shall be a board certified/board eligible obstetrician with special interest and experience in maternal-fetal medicine. This obstetrician has the responsibility of coordinating perinatal services with the neonatologist in charge of the NICU.

2. Anesthesia personnel with credentials to administer obstetric anesthesia shall be readily available.

3. Policies regarding the availability of anesthesia for routine and emergency deliveries shall be developed. Specialized medical and surgical consultation shall be readily available by medical staff members.

4. A board certified radiologist and a board certified clinical pathologist shall be available 24 hours a day. Specialized medical and surgical consultation shall be readily available.

##### **C. Obstetrical Level III Unit**

1. The chief of the obstetrical unit providing maternal-fetal medicine services at a Level III Unit shall be a board certified or board eligible maternal-fetal medicine specialist or a board certified obstetrician with special interest and experience in maternal-fetal medicine who shall be designated as the chief to assure that appropriate care is provided by the primary attending physician for high risk maternal patients.

2. If there is no hospital based maternal-fetal medicine specialist, a strong consultative agreement shall exist through a formal transfer agreement with an Obstetrical Level III or Level III Regional Obstetrical Unit with a hospital based maternal-fetal medicine specialist. The agreement shall also provide for the review of outcomes and case management for all high risk obstetrical patients for educational purposes.

3. A board-certified anesthesiologist with special training or experience in maternal-fetal anesthesia shall be in charge of obstetric anesthesia services at a Level III Unit. Personnel with credentials to administer obstetric anesthesia, which would include CRNAs, shall be in-house 24 hours a day. Personnel with credentials to administer neonatal and pediatric anesthesia shall be available as required. Medical and surgical consultation shall be readily available and on staff.

##### **D. Obstetrical Level III Regional Unit**

1. The medical staff as outlined in the Level III Unit classification shall be available and shall coordinate care with the subspecialties as listed within an Obstetrical Level III Regional Unit function.

2. The chief of the perinatal team at the Level III Regional Unit shall be a board-certified maternal-fetal specialist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9513. Facilities**

A. Obstetrical patients shall not be placed in rooms with other types of patients.

B. At least one toilet and lavatory basin shall be provided for the use of obstetrical patients.

C. The arrangement of the rooms and areas used for obstetrical patients shall be such as to minimize traffic of patients, visitors and personnel from other departments and prevent traffic through the delivery room(s).

D. There shall be an isolation room provided with hand washing facilities for immediate segregation and isolation of a mother and/or baby with a known or suspected communicable disease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9515. Newborn Units**

A. There are four neonatal level-of-care units established: Level I Neonatal Unit; Level II NICU Unit; Level III NICU Unit; and Level III Regional NICU Unit. If neonatal services are provided, the hospital shall satisfy the basic Neonatal Level I NICU Unit requirements. Neonatal services shall be provided in accordance with acceptable standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9517. Neonatal Unit Functions**

##### **A. Level I Neonatal Unit**

1. The unit shall be able to evaluate the condition of healthy neonates and provide continuing care of these neonates until their discharge in compliance with state regulations regarding eye care, hearing screening and metabolic screening.

2. The unit shall stabilize unexpectedly small or sick neonates before transfer to a Level II, III or III Regional NICU Unit.

3. The unit shall maintain consultation and transfer agreements with a Level II, III and III Regional NICU Units, emphasizing maternal transport when possible.

4. There shall be resuscitation and stabilization of all inborn neonates.

5. There shall be a defined nursery area with limited access and security or rooming-in facilities.

6. Parent-neonate visitation/interaction shall be provided.

7. There shall be the capability of data collection and retrieval.

B. Level II NICU Unit

1. The unit shall meet all requirements and performance of all Level I Neonatal Unit services at a superior level.

2. There shall be management of small, sick neonates with a moderate degree of illness that are admitted or transferred.

3. There shall be neonatal ventilatory support, vital signs monitoring and fluid infusion in the defined area of the nursery.

4. Neonates born in a Level II NICU Unit with a birth weight of less than 1,000 grams shall be transferred to a Level III or Level III Regional NICU Unit once they have been stabilized if they require prolonged ventilatory support or have life threatening diseases or surgical complications requiring a higher level of care.

5. Neonates with a birth weight in excess of 1,000 grams who require prolonged ventilation therapy shall be cared for in a Level II NICU Unit, provided such facility performs a minimum of 72 days of ventilator care annually. A day of ventilator care is defined as any period of time during a 24-hour period.

6. If a Level II NICU Unit performs less than 72 ventilator days per year, it shall transfer any neonate requiring prolonged (greater than 24 consecutive hours) ventilator therapy to a Level III or Level III Regional NICU Unit. Neonates requiring transfer to a Level III or Level III Regional NICU Unit may be returned to a Level II NICU Unit for convalescence.

C. Level III NICU Unit

1. The unit shall meet all requirements of the Level I Neonatal Unit and Level II NICU Unit services at a superior level.

2. There shall be provision of comprehensive care of high risk neonates of all categories admitted and transferred.

3. There shall be a neonatal transport agreement with Level III Regional Units and shall be involved in organized outreach educational programs.

4. There shall be one neonatologist for every 10 patients in intensive care (Level III NICU unit) area. If the neonatologist is not in-house, there shall be one licensed physician who has successfully completed the Neonatal Resuscitation Program (NRP), or one neonatal nurse practitioner in-house for Level III NICU unit patients who require intensive care. A five-year phase-in period shall be allowed in order for the hospital to recruit adequate staff to meet these requirements.

5. Obstetrics and neonatal diagnostic imaging, provided by obstetricians or radiologists who have special interest and competence in maternal and neonatal disease shall be available 24 hours a day.

6. There shall be a neonatologist or a licensed physician who has successfully completed the Neonatal Resuscitation Program (NRP), or a neonatal nurse practitioner in-house at all times.

D. Neonatal Level III Regional NICU Unit

1. The unit shall meet all requirements of the Level I Neonatal Unit and Level II and III NICU unit services at a superior level.

2. The unit shall have a transport team and provide for and coordinate a maternal and neonatal transport with Level I, Level II and Level III NICU's throughout the state.

3. The unit shall be recognized as a medical center of excellence, and a center of research, educational and consultative support to the medical community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§9519. Medical Staff**

A. Level I Neonatal Unit. The unit's medical director and/or department chief shall be a board-eligible or board-certified pediatrician; or a board-eligible or board-certified family practitioner on staff.

B. Level II NICU Unit. A board-certified pediatrician of a Level II NICU unit with subspecialty certification in neonatal medicine shall be the medical director and/or department chief. In existing units consideration shall be given to waiving this requirement for board-certified pediatricians with a minimum of five years experience in neonatal care who are currently serving as medical directors of Level II NICU units. The request for waiver shall be made in writing to the Office of the Secretary.

C. Level III NICU Unit. The medical director and/or department chief of a Level III NICU unit shall be a board-certified pediatrician with subspecialty certification in neonatal medicine. The following exceptions are recognized.

1. Board eligible neonatologists shall achieve board certification within five years of completion of fellowship training.

2. In existing units, consideration shall be given to waiving this requirement for neonatologists who are currently medical directors and/or department chiefs of Level III NICUs. The request for waiver shall be made in writing to the Office of the Secretary/Bureau of Health Services Financing. This exception applies only to the individual at the hospital where the medical director and/or department chief position is held. The physician can not relocate to another hospital nor can the hospital replace the medical director and/or department chief for whom the exception was granted and retain the exception.

3. There shall be one neonatologist for every 10 patients in the intensive care Level III NICU unit area. If the neonatologist is not in-house, there shall be one licensed physician (who has successfully completed the neonatal resuscitation program (NRP)), or one neonatal nurse practitioner in-house for Level III NICU unit patients who require intensive care. A five-year phase-in period shall be allowed in order for the hospital to recruit adequate staff to meet these requirements. A Level III NICU unit shall have a neonatologist, or a licensed physician (who has successfully completed the neonatal resuscitation program (NRP)), or a neonatal nurse practitioner in-house at all times.

4. Medical and surgical consultation shall be readily available and pediatric sub-specialists may be used in consultation with a transfer agreement with a Level III Regional NICU unit.

D. Level III Regional NICU Unit

1. The medical director and/or department chief shall be a board-certified neonatologist.

2. The unit shall have the following subspecialties on staff and clinical services available to provide consultation and care in a timely manner:

- a. pediatric surgery;
- b. pediatric cardiology;
- c. pediatric neurology;
- d. pediatric hematology;
- e. genetics;
- f. pediatric nephrology;
- g. endocrinology;
- h. pediatric gastroenterology;
- i. pediatric infectious disease;
- j. pediatric pulmonary medicine;
- k. cardiovascular surgery;
- l. neurosurgery;
- m. orthopedic surgery;
- n. pediatric urologic surgery;
- o. pediatric ophthalmology;
- p. pediatric ENT surgery;
- q. pediatric nutritionist;
- r. pediatric PT/OT;
- s. neonatal social services;
- t. bioethics committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9521. Staffing**

A. Level I Neonatal Unit. A registered nurse manager dedicated for the neonatal care area shall be available to all units. The registered nurse manager shall have specific training and experience in neonatal care. The registered nurse manager shall participate in the development of written policies and procedures for the neonatal care areas, coordinate staff education and budget preparation with the medical director. The nurse manager shall name qualified substitutes to fulfill his or her duties during their absences. Nurse to patient ratios will vary with patient needs; however, the range for Level I shall be 1:8.

B. Level II NICU Unit. A registered nurse manager dedicated for the neonatal care area shall be available to all units. The registered nurse manager shall have specific training and experience in the development of written policies and procedures for the neonatal care areas and shall coordinate staff education and budget preparation with the medical director. The nurse manager shall name qualified substitutes to fulfill his or her duties during their absences. Nurse to patient ratios will vary with patient needs; however, the range for Level II shall be 1:3-4.

C. Level III NICU Unit. A registered nurse manager dedicated for the neonatal care area shall be available to all units. The nurse manager shall have specific training and experience in the development of written policies and procedures for the neonatal care areas and shall coordinate staff education and budget preparation with the medical director. The nurse manager shall name qualified substitutes to fulfill his or her duties during their absences. Nurse-to-patient ratios will vary with patient needs, however, the range for Level III NICU unit shall be 1:2-3.

D. Level III Regional NICU Unit. A registered nurse manager dedicated for the neonatal care area shall be available to all units. The nurse manager shall have specific

training and experience in neonatal intensive care. The nurse manager shall participate in the development of written policies and procedures for the neonatal care areas and shall coordinate staff education and budget preparation with the medical director. The nurse manager shall name qualified substitutes to fulfill his or her duties during their absences. Nurse to patient ratios will vary with patient needs, however, the range for Level III regional unit shall be 1:1-2.

E. The following support personnel shall be available to the perinatal care service of Level II, III and III Regional NICU units:

1. at least one full-time medical social worker who has experience with the socioeconomic and psychosocial problems of high-risk mothers and fetuses, sick neonates, and their families (additional medical social workers may be required if the patient load is heavy);

2. at least one occupational or physical therapist with neonatal expertise;

3. at least one registered dietitian/nutritionist who has special training in perinatal nutrition and can plan diets that meet the special needs of high-risk mothers and neonates;

4. qualified personnel for support services such as laboratory studies, radiologic studies and ultrasound examinations (these personnel shall be readily available 24 hours a day); and

5. respiratory therapists or nurses with special training who can supervise the assisted ventilations of neonates with cardiopulmonary disease (optimally, one therapist is needed for each four neonates who are receiving assisted ventilation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **Subchapter T. Pediatric Services (Optional)**

##### **§9525. General Provisions**

A. Pediatric services shall be under the medical direction of a qualified physician who is a member of the medical staff with pediatric privileges and appointed by the governing body. Hospitals admitting children shall have proper facilities for their care apart from adult patients and the newborn. Children under 14 years of age shall not be placed in rooms with adult patients.

B. In hospitals with a separate designated pediatric unit in existence prior to March 1, 1995, the maximum number of beds permitted in each pediatric room shall be eight and shall meet the same spatial standards as specified in Subchapter J of these requirements. In hospitals with a separate designated pediatric unit subsequent to March 1, 1995, the maximum number of beds permitted in each pediatric room shall be four and shall meet the same spatial standards as specified in Subchapter J of these requirements. Patient rooms containing cribs shall provide at least 60 square feet minimum clear floor area for each crib, with no more than six cribs in each room. Provisions for hygiene, toilets, sleeping and personal belongings shall be included where the program indicates that parents are allowed to remain with pediatric patients. Equipment and supplies shall be readily available and appropriate for pediatric services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§9527. Personnel**

A. Every registered nurse who works in the pediatric unit shall be trained in an emergency pediatric nursing course that includes training in pediatric trauma and pediatric advanced life support and that has been conducted pursuant to guidelines established by the Louisiana State Board of Nursing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§9529. Pediatric Intensive Care Units**

A. There are two levels of pediatric care units: Level I; and Level II. If pediatric intensive care services are provided, the hospital shall satisfy the Level II PICU requirements.

B. Levels I and II units shall have a PICU Committee established as a standing committee of the hospital. It shall be composed of at least physicians, nurses, respiratory therapists and other disciplines as appropriate to the specific hospital unit. The committee shall participate in the delineation of privileges for all personnel (both MD and non-MD) within the unit. Policies and procedures shall be established by the medical director and the registered nurse manager in collaboration with the committee and with approval of the medical staff and the governing body. These written policies and procedures shall include, but not be limited to, safety procedures infection control, visitation, admission and discharge criteria, patient monitoring and record keeping, equipment preventive maintenance and repair.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§9531. Facilities**

A. The Levels I and II shall be distinct, separate units within the hospital. There shall be clean and soiled utility rooms, isolation room capabilities, medication and a conference area available on the units.

B. Level I units shall be located in the Category 1 facility as defined by the American Academy of Pediatrics.

C. The Emergency Department (ED) shall have a separate covered entrance. Two or more areas within the ED shall have the capacity and equipment to resuscitate any pediatric patient with any medical, surgical or traumatic illness within facilities with Level I units. Hospitals with Level II units only need one such area. The emergency room shall be staffed 24 hours a day in facilities with either Level I of II units.

D. There shall be an operating suite with one room available within 30 minutes and a second room within 45 minutes, 24 hours a day. Hospitals with Level I units must have the capability of providing cardiopulmonary bypass, pediatric bronchoscopy and radiography.

E. Clinical Laboratories

1. Clinical laboratories shall have microspecimen capability and the capability to perform clotting studies with

one-hour turn around. There must also be the capability to perform:

- a. complete blood cell count;
- b. differential count;
- c. platelet count;
- d. urinalysis;
- e. electrolytes;
- f. blood urea nitrogen;
- g. creatinine;
- h. glucose calcium;
- i. prothrombin time;
- j. partial thromboplastin time; and
- k. cerebrospinal fluid cell counts.

2. Preparation of gram stains and bacteriologic cultures shall be available 24 hours per day. Blood gas values must be available within 15 minutes. Results of drug screening and levels of serum ammonia, serum and urine osmolality, phosphorus and magnesium shall be available within three hours for Level I units.

F. There must be a blood bank able to provide all blood components 24 hours a day in both Levels I and II. Cross matching shall allow for transfusions within one hour unless some unusual antibody is encountered.

G. Hospitals with Level I units must have radiology services capable of radiography, fluoroscopy, computerized tomography scanning, ultrasonography and nuclear scanning angiography.

H. Diagnostic cardiac and neurologic studies shall be available to both Levels I and II unit facilities.

I. A catheterization laboratory or angiography suite must be present in facilities with Level I units.

J. Level I units shall have the capability to provide hemodialysis 24 hours a day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§9533. Patient Rooms**

A. The head of each bed and/or crib shall be rapidly accessible for emergency airway management.

B. Electrical power, oxygen, medical compressed air and vacuum outlets shall be available at each bed/crib.

C. There shall be walls or curtains available at each bedside to provide for full visual privacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

**§9535. Medical Staff**

A. The medical director in Level I units shall be:

1. board certified in pediatrics and board certified or in the process of board certification in pediatric critical care medicine (certification must be completed within five years);

2. board certified in anesthesiology with practice limited to infants and children with special qualifications (as defined by the American Board of Anesthesiology) in critical care medicine; or

3. board certified in pediatric care medicine (as defined by the American Board of Surgery). A Level II medical director shall meet the same criteria of Level I except the board certification in Pediatric Critical Medicine

is not required. The medical director shall name a qualified alternate to serve in his or her absence.

B. In existing units, consideration will be given to waiving this requirement for board certified pediatricians with a minimum of five years experience in pediatric care who are currently serving as medical directors of Levels I and II units. The request for waiver shall be made in writing to the Office of the Secretary.

C. Levels I and II units must have at least one physician of at least the postgraduate year two assigned to the PICU in-house 24 hours per day.

D. Other physicians including the attending physician or designee shall be available within 30 minutes.

E. Level I units shall have on staff a pediatric anesthesiologist, surgeon, cardiothoracic surgeon, neurosurgeon, intensivist, cardiologist, neurologist, pulmonologist, hematologist/oncologist, endocrinologist, gastroenterologist, allergist or immunologist, as well as a radiologist, pathologist, and psychiatrist or psychologist. Level II units shall meet the above medical staffing requirements, except the cardiothoracic surgeon and the pediatric subspecialties. There shall be a five-year phase in period with regard to staffing requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9537. Staffing**

A. Levels I and II shall have a unit manager dedicated to the unit who is a registered nurse with specific training and experience in pediatric critical care. The Level I manager shall be certified in critical-care nursing. The registered nurse manager shall name a qualified alternate to act in his/her absence.

1. The staff to patient ratio shall vary with the acuity of the patients; however, the minimum shall be 1:3.

2. There shall be an organized written orientation program as well as an ongoing in-service/continuing education program.

B. For the Level I units the respiratory therapy staff assigned to a unit shall be in-house 24 hours per day.

1. Biomedical technicians shall be available within one hour, 24 hours a day.

2. The unit clerk shall be readily available to the unit 24 hours a day.

3. A pharmacist and licensed radiographer shall be in-house 24 hours per day.

4. Social workers, physical therapists and nutritionists shall be assigned to the unit as applicable.

C. For Level II Units the respiratory therapist shall be in-house 24 hours a day.

1. The biomedical technician shall be available within one hour, 24 hours a day.

2. The pharmacist and radiologist shall be on call 24 hours a day.

3. Unit clerks, social workers, physical therapists and nutritionists shall be available as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9539. Supplies and Equipment**

A. There shall be lifesaving, therapeutic and monitoring equipment present in Level I and II units. There shall be a complete "code" or "crash" cart available on both Level I and II units. The cart contents available on Level I and II units should include, but not be limited to, approved medications, a defibrillator/cardioverter, automated blood pressure apparatus devices. All equipment shall be of proper size for infants and children. Oxygen tanks are needed for transport and backup for both Levels I and II units.

B. There shall be additional equipment available to meet the needs of the patient population.

C. Level I units shall have the capability of ventilator support.

D. There shall be bedside monitoring in Level I and II PICUs with the capability for continuously monitoring heart rate and rhythm, respiratory rate, temperature and one hemodynamic pressure. Level I units shall also have the ability to monitor systemic arterial, central venous, pulmonary arterial and intracranial pressures. The monitors must have alarms with both high and low settings and they must also have both audible and visible capability. There shall be a maintenance and calibration schedule maintained for all monitoring devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

#### **§9541. Miscellaneous**

A. PICUs shall be integrated with the regional EMS system as available. Rapid access to a poison control center is essential. Each PICU shall have or be affiliated with a transport system and team to assist other hospitals in arranging safe patient transport.

B. Each Level I PICU shall offer pediatric critical care education for EMS providers, emergency department and transport personnel as well as for the general public. The staff nurses and respiratory therapists must also have basic life support certification.

C. Level I PICUs offering a fellowship program in pediatric critical care will possess sufficient patient volume, teaching expertise, and research capability to support such a fellowship. Programs providing sub-specialty training in critical care must possess approval by the residency review committee of the Accreditation Council on Graduate Medical Education. Research is essential for improving our understanding of the pathophysiology affecting vital organ systems. Such knowledge is vital to improve patient care techniques and therapies and thereby decrease morbidity and mortality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Friday, September 26, 2003 at 9:30 am in the Wade O. Martin, Jr. Auditorium, State Archives Building,

3851 Essen Lane, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Hospital Licensing Standards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that \$9,860 (\$4,930 SGF and \$4,930 FED) will be expended in SFY 2003-2004 for the state's administrative expense from promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will not affect federal revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Implementation of this proposed Rule will not have estimable costs and/or economic benefits for directly affected persons or nongovernmental groups. The department proposes to amend the licensing standards for hospitals. It is anticipated that this proposed Rule will revise existing hospital licensing standards that were published in 1995 and will bring hospital licensing standards more in line with the changes that have occurred within the hospital industry.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0308#104

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

**Medicaid Estate Recovery Program**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Omnibus Budget Reconciliation Act of 1993, Section 13612(a) amended Section 1917(b) of the Social Security Act (42 U.S.C. 1396p) to mandate that states seek recovery of Medicaid payments for certain services provided under the State Plan. In order to comply with this federal law and to avoid sanctions or penalties from the federal government, the bureau adopted a Rule implementing an estate recovery

program to recover Medicaid payments for nursing facility services, home and community based services and related hospital and prescription drug services from the estate of an individual who was 55 years of age or older when such services were received (*Louisiana Register, Volume 22, Number 5*). Act 1118 of the 1999 Regular Session of the Louisiana Legislature amended R.S. 46:153(G) relative to the Medicaid estate recovery program. The bureau amended the May 20, 1996 Rule to comply with Act 1118 and to provide for cost effectiveness guidelines and to add regulations addressing privilege on the succession of the estate and reductions in recovery in consideration of reasonable and necessary expenses incurred by the decedent's heirs to maintain the homestead of the decedent (*Louisiana Register, Volume 27, Number 10*). Implementation of the October 20, 2001 rule was contingent upon the approval of the state plan amendment by the U. S. Department of Health and Human Services, Center for Medicare and Medicaid Services. As a result of the disapproval of the state plan amendment, the bureau proposes to repeal the October 20, 2001 Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the October 20, 2001 Rule governing Medicaid Estate Recovery.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Friday, September 26, 2003, at 9:30 a.m. in the Wade O. Martin, Jr. Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Medicaid Estate Recovery Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in SFY 2003-04 for the state's administrative expense for promulgation of this proposed rule and the final rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that \$102 will be expended in SFY 2003-2004 for the federal share of the

expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will not have estimable cost or economic benefits for directly affected persons or non governmental groups for SFY 2003-2004, 2004-2005 and 2005-2006. The Centers for Medicare and Medicaid Services questioned provisions contained in the October 20, 2001 rule on estate recovery and did not approve the State Plan amendment. This rule proposes to repeal the October 20, 2001 rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that implementation of this proposed rule will have no effect on competition and employment.

Ben A. Bearden  
Director  
0308#084

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Medical Transportation Program  
Emergency and Non-Emergency Ambulance Services  
Certification for Ambulance Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for emergency and non-emergency ambulance transportation services. Reimbursement for these services is the base rate established by the bureau minus the amount which any third party coverage would pay. In order to establish and document medical necessity, current Medicaid policy requires that ambulance providers obtain a physician's signature on the medical transportation certification form after an ambulance trip has been completed. Based on discussions with ambulance providers, the bureau proposes to amend current policy to allow other medical professionals to sign the certification form establishing the need for ambulance transportation.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 43:972.

**Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the following criteria for the certification of emergency and non-emergency ambulance transportation services.

1. The medical certification form shall be used to document the recipient's condition at the time the ambulance

services were ordered and to establish medical necessity for the ambulance services. The signature of the following licensed medical professionals who render medical care to the recipient shall be acceptable on the medical certification form:

- a. a physician;
- b. a registered nurse;
- c. the director of nursing at a nursing facility;
- d. a nurse practitioner;
- e. a physician assistant; or
- f. a clinical nurse specialist.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Friday, September 26, 2003, at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Medical Transportation Program  
Emergency and Non-Emergency Ambulance Services  
Certification for Ambulance Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$433,306 for SFY 2003-2004, \$733,481 for SFY 2004-2005 and \$755,485 for SFY 2005-2006. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$1,089,050 for SFY 2003-2004, \$1,843,752 for SFY 2004-2005 and \$1,899,065 for SFY 2005-2006. It is anticipated that \$102 will be expended in SFY 2003-2004 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that amending our policy to allow other medical professionals (registered nurses, director of nursing at nursing facilities, nurse practitioners, physician assistants and clinical nurse specialists) in addition to physicians to sign the certification form will increase the number of approved ambulance trips by allowing providers to be reimbursed for trips that are currently not reimbursed because of the lack of a

physicians signature on the certification form. It is anticipated that the implementation of this proposed rule will increase expenditures to providers of emergency and non-emergency ambulance transportation services (approximately 7,700) by approximately \$1,522,152 for SFY 2003-2004, \$2,577,233 for SFY 2004-2005 and \$2,654,550 for SFY 2005-2006.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition or employment.

Ben A. Bearden  
Director  
0308#082

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

#### State-Operated Intermediate Care Facilities for the Mentally Retarded Upper Payment Limit

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Human Resources, Office of the Secretary promulgated a Rule in April 1983, establishing a uniform rate setting system for 24-hour care facilities. Under this reimbursement methodology, rates for each participating facility were established individually resulting in various rates for the same level of care (*Louisiana Register, Volume 9, Number 4*). The April 1983 Rule was subsequently amended to adopt prospective rates for private mental retardation facilities licensed to provide services to Title XIX recipients (*Louisiana Register, Volume 15, Number 7*). The department amended the reimbursement methodology for state-operated intermediate care facilities for the mentally retarded and established payments using a formula that establishes per diem rates at the Medicare Upper Payment Limit for these services (*Louisiana Register, Volume 29, Number 2*). This Rule is being promulgated to continue the provisions contained in the February 9, 2003 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

#### Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for state operated intermediate care facilities for the mentally retarded (ICFs-MR) and establishes payments using a formula for establishing per diem rates at the Medicare Upper Payment Limit for these services.

A. Medicaid payments to state-owned and operated ICFs-MR shall be based on the basic Medicare formula for determining the routine service cost limits, as follows:

1. calculate each state owned and operated ICFs-MR per diem routine costs in a base year;
2. calculate 112 percent of the average per diem routine costs; and
3. inflate 112 percent of the per diem routine costs using the skilled nursing facility (SNF) market basket index of inflation. Each state-owned and operated facility's capital and ancillary costs will be paid by Medicaid on a "pass-through" basis.

B. The sum of the calculations for routine service costs and the capital and ancillary costs "pass-through" shall be the per diem rate for each state-owned and operated ICF-MR. The base year cost reports to be used for the initial calculations shall be the cost reports for the fiscal year ended June 30, 2002.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Friday, September 26, 2003, at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: State-Operated Intermediate Care Facilities for the Mentally Retarded Upper Payment Limit

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will increase state program costs by approximately \$1,137,626 for SFY 2002-2003, \$3,004,079 for SFY 2003-2004 and \$3,094,096 for SFY 2004-2005. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in SFY 2003-04 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$2,790,641 for SFY 2002-2003, \$7,551,208 for SFY 2003-2004 and \$7,777,639 for SFY 2004-2005.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule proposes to amend the reimbursement methodology for state-operated intermediate care facilities for the mentally retarded (ICF-MR) and establish payments using a formula that establishes per diem rates at the Medicare Upper Payment Limit for these services. It is anticipated that implementation of this proposed rule will increase expenditures



to state-operated ICF-MRs by approximately \$3,928,267 in SFY 2002-2003, \$10,555,083 in SFY 2003-2004 and \$10,871,735 in SFY 2004-2005.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0308#085

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Labor  
Office of Workforce Development**

Customized Training Fund  
(LAC 40:XVI.101, 103, 105, 109, and 113)

Notice is hereby given, in accordance with R.S. 49:905 et seq., that the Louisiana Department of Labor, pursuant to authority vested in the department by R.S. 23:1514 and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend and reenact Rules governing the workforce development training account, LAC 40:XVI.101, 103, 105, 109, and 113 to provide for clarification of terms and establish requirements for the Small Business Employee Training Program.

**Title 40**

**LABOR AND EMPLOYMENT**

**Part XVI. Customized Training**

**Chapter 1. Workforce Development Training Fund**

**§101. Definitions**

\* \* \*

*Incumbent Worker* A worker who is currently on the payroll of the applicant.

*Individual Standardized Training* Off-the-shelf training that is not customized to the needs of the individual applicant and that is currently offered by a training provider at the time the application is filed with LDOL; to be provided through the Small Business Employee Training Program and to be administered in accordance with §113.

\* \* \*

*Supplant* Diversion of normal training funding for other uses simply because training funds are awarded under the Incumbent Worker Training Program.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 25:1142 (June 1999), amended LR 26:1629 (August 2000), LR 29:

**§103. Eligibility**

A. ...

1. an individual employer that seeks to provide customized training for his incumbent workers to prevent job loss caused by obsolete skills, technological change, or national or global competition;

2. an individual employer that seeks to provide customized training for its incumbent workers to create, update, or retain jobs in a labor demand occupation;

3. an individual employer that seeks to provide customized training for its incumbent workers to update or retain jobs in an occupation which is not a labor demand

occupation, if the administrator determines that the services are necessary to prevent the likely loss of jobs;

4. a labor or community-based organization that seeks to provide customized training for a labor demand occupation for workers who are incumbent to an industry, were attached to a contributing employer within the last 12 months, and are not receiving unemployment insurance benefits at time of training;

5. a consortium made up of one or more educational institutions and one or more eligible individual employers, labor, or community-based organizations that seeks to provide customized training for incumbent workers in labor demand occupations;

6. a local economic development entity and one or more eligible individual employers that seek to provide customized training for incumbent workers in a labor demand occupation.

B. Qualified businesses currently receiving training for their employees may, upon the expiration of contracts, apply for new training grants for training of new employees, previously untrained employees, or for additional training of previously trained employees.

C. All applications by eligible applicants for customized training shall be submitted in conjunction with the entity selected by the applicant to provide the customized training. All disbursements of funds for the training shall be made to the entity actually providing the customized training. To be eligible, the training provider selected by the applicant must demonstrate a history of:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 25:1142 (June 1999), amended LR 29:

**§105. Criteria**

A. ...

B. No single employer or consortium shall receive training funds more than once in a 24-month time period. No single employer or consortium shall receive more than 5 percent of the total funds available to the program to the program during a fiscal year. An employer with multiple operations sites and a single unemployment insurance tax identification number shall be limited to a single application which may encompass training at the various sites, as long as the amount awarded under the application does not exceed the maximum award amount. When an employer has more than one site and each site maintains a different unemployment insurance tax identification number, the employer may apply for a separate training award under each tax identification number.

C. Employers receiving awards must provide evidence satisfactory to LDOL of their long-range commitment to employee training and that funds shall be used to supplement and not supplant existing training efforts.

D. Applicants must request training for at least 15 employees and where applicable, the training provided must meet, at the minimum, the safety standards determined by OSHA.

E. Special emphasis shall be placed on entry-level/incumbent training programs.

F. Preference will be given to employers that have:

1. - 7. ...

G. Employers seeking a training award may not select as a training provider:

1. - 2. ...

H. Nothing contained herein shall prohibit the selection of a training proprietary school or private institution as a training provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended LR 26:1629 (August 2000), LR 28:2203 (October 2002), LR 29:

#### **§109. Submission and Review Procedure**

A. Applicants must submit their completed application to LDOL. Submitted applications will be reviewed and evaluated by LDOL staff. All applications will be measured using a rating system as an evaluation tool that will enable LDOL staff to determine which applications should receive approval, be deferred to future funding cycles, or be denied outright. Input may be required from the applicant, other divisions of the Department of Labor, and other state agencies as needed, in order to:

A.1. - B. ...

C.1. Upon determination that an application meets the eligibility criteria for this program and is deemed to be beneficial to the well-being of the state, LDOL staff will then make a recommendation to the secretary of the Department of Labor. The application will then be reviewed and approved by the following entities in the following order:

- a. the secretary of the Department of Labor;
- b. the governor.

2. A copy of the application shall be sent to the executive director of the Louisiana Workforce Commission. No funds spent on the project prior to the secretary's approval will be considered eligible project costs.

3. The secretary will issue a Letter of Commitment to the applicant within five working days of the application approval by the governor.

4. If any application is rejected by any of the preceding entities, the application shall not be considered by the next succeeding entity unless first reconsidered and approved by the entity which initially rejected the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended LR 26:1630 (August 2000), LR 29:

#### **§113. Small Business Employee Training Program**

A. For purposes of this Part, small business is defined as a Louisiana based business that have 50 or less employees and is an eligible applicant as outlined in §103.A. The applicant will be reimbursed for the eligible costs associated with the training once the training has been completed and proper documentation has been submitted to LDOL.

B. Applicant can not receive customized training and small business employee training concurrently.

C. The applicant must submit the Small Business Employee Training Program application and receive LDOL approval, in writing, prior to the start of any training.

D. Applicant must be current on all state UI tax obligations.

E. Trainees must be incumbent workers for whom the applicant incurs a state unemployment tax liability under R.S. Title 23, Chapter 11.

F. The request for training must be in a labor demand occupation as defined in the Workforce Investment Act of 1998 (WIA) or cluster based industry as defined in Vision 2020.

G. Small business training can consist of the following:

1. taking a class, either non-credit or credit in an audit capacity, at an educational institution under the policy or direct management authority of the Board of Regents;

2. receiving training from a manufacturer or their representative within one year of the purchase of equipment valued at more than \$3,000 where the training is not otherwise incorporated into the purchase price of the equipment;

3. receiving training from a manufacturer or their representative in order to upgrade computer skills;

4. receiving training from a national, regional or state trade association, that offers an independently certified training curricula and testing, which can demonstrate a successful training history of at least five years.

H. The proposed training provider under Paragraph G.1 must be domiciled in Louisiana and contribute data to LOIS Scorecard as required by R.S. 23:75 which shows a demonstrated history of successful training in the particular instruction that will be given.

I. Training costs shall not exceed \$3,000 per trainee per fiscal year.

J. Training costs can be any of the following:

1. tuition;
2. required textbooks and manuals.

K. Training must be completed by the end of the state fiscal year (June 30) in which it was begun.

L. Upon completion of the training, the employer must submit invoices for training expenditures along with proof of payment, proof of completion from the training provider, as well as proof of a pay increase or wages that were paid for the training hours attended, all within 30 days of the completion of the training.

M. An application shall be deemed approved by LDOL upon written approval of the Secretary of Labor or their designee. A letter of approval shall be forwarded to the applicant within five working days of approval of the application.

N. The Small Business Employee Training Program shall be funded at 2.3 percent of all funds available for training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 29:

#### **Family Impact Statement**

1. The Effect on the Stability of the Family. The proposed amendments to the Rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. The proposed amendments to the Rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed amendments to the Rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed amendments to the Rules on the Workforce Development Training Fund/Customized Training Fund may effect family earnings and the family budget of those individuals that participate in and are trained under the Small Business Employee Training Program. These individuals should receive a skills upgrade and should receive an increase in position and/or pay after the completion of the customized training.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed amendments to the Rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The family or a local government is not able to perform the functions contained in the proposed amendments to the Rules on the Workforce Development Training Fund/Customized Training Fund.

Interested persons may submit comments in writing to Janet Bevan, IWTP Unit, Workforce Development Manager IV, Office of Workforce Development, P.O. Box 94094, Baton Rouge, LA 70804-9094 or by fax (225) 342-3019. All comments must be submitted by 4:30 p.m. on September 25, 2003. A public hearing will be held on Friday, September 26, 2003 at 10 a.m. at the Department of Labor, 1001 North 23rd St., 3rd Floor Annex Conference Room, Baton Rouge, LA 70802.

Dawn Watson  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Customized Training Fund

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units as a result of these administrative rule changes. Act 1053 of the 1997 Regular Legislative Session established the Workforce Training Account. During the 1999 Regular Session, the Louisiana Legislature increased the appropriation into this account from \$6 million to \$50 million. These proposed rule changes do not change the amount appropriated to the account. These proposed changes will create a pool of training dollars within the account for small businesses from existing funds.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no direct effect on revenue collections of state or local governmental units as a result of this legislation.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost to directly affected persons or non-governmental groups as a result of these changes. The economic benefit will be those savings gained by an approved applicant for the portion of funding received to train its employees.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Proposed rule changes should not significantly effect competition and employment among those awarded grants for customized training. However, some advantage may be by successful applicants who were awarded grants compared to entities that did not receive grants. Employees of organizations benefiting from grants may be better trained, more productive and more efficient.

Dawn Romero Watson  
Secretary of Labor  
0308#067

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Natural Resources Office of Conservation

Fees (LAC 43:XIX.Chapter 7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby proposes to amend the established fees.

#### Title 43

#### NATURAL RESOURCES

#### Part XIX. Office of Conservation General Operations

#### Subpart 2. Statewide Order No. 29-R

#### Chapter 7. Fees

#### §701. Definitions

*Application Fee* Can amount payable to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, by industries under the jurisdiction of the Office of Conservation.

*Application for Automatic Custody Transfer* Can application for authority to measure and transfer custody of liquid hydrocarbons by the use of methods other than customary gauge tanks, as authorized by Statewide Order No. 29-G-1 (LAC 43:XIX.2301 et seq.), or successor regulations.

*Application for Commercial Class I Injection Well* Can application to construct and/or operate a commercial Class I injection well, as authorized by Statewide Order No. 29-N-1 (LAC 43:XVII.101 et seq.), Statewide Order No. 29-N-2 (LAC 43:XVII.201 et seq.), or successor regulations.

*Application for Commercial Class I Injection Well (Additional Wells)* Can application to construct and/or operate additional Class I injection wells within the same filing, as authorized by Statewide Order No. 29-N-1 (LAC 43:XVII.101 et seq.), Statewide Order No. 29-N-2 (LAC 43:XVII.201 et seq.), or successor regulations.

*Application for Commercial Class II Injection Well* Can application to construct and/or operate a commercial Class II injection well, as authorized by Statewide Order No. 29-B (LAC 43:XIX.401 et seq.), Statewide Order No. 29-M-2 (LAC 43:XVII.3101 et seq.), or successor regulations.

*Application for Commercial Class II Injection Well (Additional Wells)* Can application to construct and/or operate additional commercial Class II injection wells within the same filing, as authorized by Statewide Order 29-B (LAC 43:XIX.401 et seq.), Statewide Order No. 29-M-2 (LAC 43:XVII.3101 et seq.), or successor regulations.

*Application for Multiple Completion* Can application to multiply complete a new or existing well in separate

common sources of supply, as authorized by Statewide Order No. 29-C-4 (LAC 43:XIX.1301 et seq.), or successor regulations.

**Application for Noncommercial Injection Well** Can application to construct and/or operate a Class I, II or III noncommercial injection well, as authorized by Statewide Order Nos. 29-B (LAC 43:XIX.401 et seq.), 29-M (LAC 43:XVII.301 et seq.), 29-N-1 (LAC 43:XVII.101 et seq.), 29-N-2 (LAC 43:XVII.201 et seq.), 29-M-2 (LAC 43:XVII.3101 et seq.), or successor regulations.

**Application for Permit to Drill (Minerals)** Can application to drill in search of minerals, as authorized by R.S. 30:28.

**Application for Public Hearing** Can application for a public hearing as authorized by R.S. 30:1, et. seq.

**Application for Substitute Unit Well** Can application for a substitute unit well as authorized by Statewide Order No. 29-K-1 (LAC 43:XIX.2901 et seq.), or successor regulations.

**Application for Surface Mining Development Operations Permit** Can application to remove coal, lignite, or overburden for the purpose of determining coal or lignite quality or quantity or coal or lignite mining feasibility, as authorized by Statewide Order No. 29-O-1 (LAC 43:XV.101 et seq.), or successor regulations.

**Application for Surface Mining Exploration Permit** Can application to drill test holes or core holes for the purpose of determining the location, quantity, or quality of a coal or lignite deposit, as authorized by Statewide Order No. 29-O-1 (LAC 43:XV.101 et seq.), or successor regulations.

**Application for Surface Mining Permit** Can application for a permit to conduct surface coal or lignite mining and reclamation operations, as authorized by Statewide Order No. 29-O-1 (LAC 43:XV.101 et seq.), or successor regulations.

**Application for Unit Termination** Can application for unit termination as authorized by Statewide Order No. 29-L-2 (LAC 43:XIX.3100 et seq.), or successor regulations.

**Application to Amend Permit to Drill (Injection or Other)** Can application to alter, amend, or change a permit to drill, construct and/or operate an injection, or other well after its initial issuance, as authorized by R.S. 30:28.

**Application to Amend Permit to Drill (Minerals)** Can application to alter, amend, or change a permit to drill for minerals after its initial issuance, as authorized by R.S. 30:28.\*

\*Application to Amend Operator (transfer of ownership) for any multiply completed well which has reverted to a single completion, any non-producing well which is plugged and abandoned within the time frame directed by the Commissioner, as well as any stripper crude oil well or incapable gas well so certified by the Department of Revenue shall not be subject to the *application fee* provided herein.

**Application to Commingle** Can application for authority to commingle production of gas and/or liquid hydrocarbons and to use methods other than gauge tanks for allocation, as authorized by Statewide Order No. 29-D-1 (LAC 43:XIX.1500 et seq.), or successor regulations.

**Application to Process Form R-4** Can application for authorization to transport oil from a lease as authorized by Statewide Order No. 25 (LAC 43:XIX.900 et seq.), or successor regulations.

**BOE** Can annual barrels oil equivalent. Gas production is converted to BOE by dividing annual mcf by a factor of 7.5.

**Capable Gas** Can natural and casing head gas not classified as incapable gas well gas or incapable oil well gas by the Department of Revenue.

**Capable Oil** Can crude oil and condensate not classified as incapable oil or stripper oil by the Department of Revenue.

**Class I Well** Can Class I injection well used to inject hazardous or nonhazardous, industrial, or municipal wastes into the subsurface, which falls within the regulatory purview of Statewide Order No. 29-N-1 (LAC 43:XVII.101 et seq.), Statewide Order No. 29-N-2 (LAC 43:XVII.201 et seq.), or successor regulations.

**Class I Well Fee** Can annual fee payable to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, on Class I wells in an amount not to exceed \$400,000 for Fiscal Year 2000-2001 and thereafter.

**Class II Well** Can Class II injection well which injects fluids which are brought to the surface in connection with conventional oil or natural gas production, for annular disposal wells, for enhanced recovery of oil or natural gas, and for storage of hydrocarbons. For purposes of administering the exemption provided in R.S. 30:21(B)(1)(c), such exemption is limited to operators who operate Class II wells serving a stripper oil well or an incapable gas well certified pursuant to R.S. 47:633 by the Severance Tax Section of the Department of Revenue and located in the same field as such Class II well.

**Class III Well** Can Class III injection well which injects for extraction of minerals or energy.

**Emergency Clearance** Can emergency authorization to transport oil from lease.

**Production Fee** Can annual fee payable to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, by oil and gas operators on capable oil wells and capable gas wells based on a tiered system to establish parity on a dollar amount between the wells. The tiered system shall be established annually by Rule on capable oil and capable gas production, including nonexempt wells reporting zero production during the annual base period, in an amount not to exceed \$2,450,000 for Fiscal Year 2002 - 2003 and thereafter.

**Production Well** Can any well which has been permitted by and is subject to the jurisdiction of the Office of Conservation, excluding wells in the permitted and drilling in progress status, Class II injection wells, liquid storage cavity wells, commercial salt water disposal wells, Class V injection wells, wells which have been plugged and abandoned, wells which have reverted to landowner for use as a fresh water well (Statewide Order No. 29-B, LAC 43:XIX.137.G, or successor regulations), multiply completed wells reverted to a single completion, and stripper oil wells or incapable oil wells or incapable gas wells certified by the Severance Tax Section of the Department of Revenue.

**Regulatory Fee** Can amount payable annually to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, on Class II wells, Class III wells, storage wells, Type A facilities, and Type B facilities in an amount not to exceed \$875,000 for Fiscal Year 2000-2001 and thereafter. No fee shall be imposed on a Class II well of an operator who is also an operator of a stripper crude oil well or incapable gas well certified pursuant to R.S. 47:633 by the Severance Tax Section of the Department of Revenue and located in the same field as such Class II well. Operators

of Record, excluding operators of wells and including, but not limited to, operators of gasoline/cycling plants, refineries, oil/gas transporters, and/or certain other activities subject to the jurisdiction of the Office of Conservation are required to pay an annual registration fee of \$105. Such payment is due within the time frame prescribed by the Office of Conservation.

**Type A Facility** Commercial E&P waste disposal facilities within the state that utilize technologies appropriate for the receipt, treatment, storage, or disposal of oilfield waste solids and liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B (LAC 43:XIX.501 et seq.), Statewide Order No. 29-M-2 (LAC 43:XVII.3101 et seq.), or successor regulations.

**Type B Facility** Commercial E&P waste disposal facilities within the State that utilize underground injection technology for the receipt, treatment, storage, or disposal of only produced saltwater, oilfield brine, or other oilfield waste liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B (LAC 43:XIX.501 et seq.), or successor regulations.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:21 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:542 (August 1988), amended LR 15:551 (July 1989), LR 21:1249 (November 1995), LR 24:458 (March 1998), LR 24:2127 (November 1998), LR 25:1873 (October 1999), LR 26:2302 (October 2000), LR 27:1919 (November 2001), LR 28:2366 (November 2002), LR 29:

**§703. Fee Schedule for Fiscal Year 2003-2004**

**A. Fee Schedule**

Application Fees	Amount
Application for Unit Termination	\$ 252
Application for Substitute Unit Well	\$ 252
Application for Public Hearing	\$ 755
Application for Multiple Completion	\$ 126
Application to Commingle	\$ 252
Application for Automatic Custody Transfer	\$ 252
Application for Noncommercial Injection Well	\$ 252
Application for Commercial Class I Injection Well	\$ 1,264
Application for Commercial Class I injection Well (Additional Wells)	\$ 631
Application for Commercial Class II Injection Well (Additional Wells)	\$ 631
Application for Permit to Drill - Minerals: 0' - 3,000'	\$ 126
Application for Permit to Drill - Minerals: 3,001' - 10,000'	\$ 631
Application for Permit to Drill - Minerals: 10,001' +	\$ 1,264
Drill Minerals Deeper (> 3,000')	\$ 504
Drill Minerals Deeper (> 10,000')	\$ 632
Application to Amend Permit to Drill - Minerals	\$ 126
Application to Amend Permit to Drill - Injection or Other	\$ 126
Application for Surface Mining Exploration Permit	\$ 65
Application for Surface Mining Development Operations Permit	\$ 94
Application for Surface Mining Permit	\$ 2,212
Application to Process Form R-4	\$ 36
Application to Reinstate Suspended Form R-4	\$ 65
Application for Emergency Clearance Form R-4	\$ 65

**B. Regulatory Fees**

1. Operators of each permitted Type A Facility are required to pay an annual Regulatory Fee of \$6,426 per facility.

2. Operators of each permitted Type B Facility are required to pay an annual Regulatory Fee of \$3,213 per facility.

3. Operators of record of permitted non-commercial Class II injection/disposal wells are required to pay \$654 per well.

4. Operators of record of permitted Class III and Storage wells are required to pay \$654 per well.

**C. Class I Well Fees.** Operators of permitted Class I wells are required to pay \$9,876 per well.

**D. Production Fees.** Operators of record of capable oil wells and capable gas wells are required to pay according to the following annual production fee tiers.

Tier	Annual Production (Barrel Oil Equivalent)	Fee (\$ per Well)
Tier 1	0	16.5
Tier 2	1-5,000	84
Tier 3	5,001-15,000	237
Tier 4	15,001-30,000	397
Tier 5	30,001-60,000	634
Tier 6	60,001-110,000	873
Tier 7	110,001-9,999,999	1,070

**E. Exceptions**

1. Operators of record of each Class I injection/disposal well and each Type A and B commercial facility that is permitted, but has not yet been constructed, are required to pay an annual fee of 50 percent of the applicable fee for each well or facility.

2. Operators of record of each inactive Type A and B facility which have voluntarily ceased the receipt and disposal of E&P waste and are actively implementing an Office of Conservation approved closure plan are required to pay an annual Regulatory Fee of 50 percent of the annual fee for each applicable Type A or B facility.

3. Operators of record of each inactive Type A or B facility which have voluntarily ceased the receipt and disposal of E&P waste, have completed Office of Conservation approved closure activities and are conducting a post-closure maintenance and monitoring program, are required to pay an annual Regulatory Fee of 25 percent of the annual fee for each applicable Type A or B facility.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:21 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:543 (August 1988), amended LR 15:552 (July 1989), LR 21:1250 (November 1995), LR 24:458 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2304 (October 2000), LR 27:1920 (November 2001), LR 28:2368 (November 2002), LR 29:350 (March 2003), LR 29:

**§705. Failure to Comply**

A. Operators of operations and activities defined in §701 are required to timely comply with this order. Failure to comply by the due date of any required fee payment will subject the operator to civil penalties provided in Title 30 of the Louisiana Revised Statutes of 1950, including but not limited to R.S. 30:18.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:21 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August

1988), amended LR 15:552 (July 1989), LR 21:1251 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2304 (October 2000), LR 27:1921 (November 2001), LR 28:2368 (November 2002), LR 29:

#### **§707. Severability and Effective Date**

A. The fees set forth in §703 are hereby adopted as individual and independent rules comprising this body of Rules designated as Statewide Order No. 29-R-03/04 and if any such individual fee is held to be unacceptable, pursuant to R.S. 49:968(H)(2), or held to be invalid by a court of law, then such unacceptability or invalidity shall not affect the other provisions of this order which can be given effect without the unacceptable or invalid provisions, and to that end the provisions of this order are severable.

B. This Order (Statewide Order No. 29-R-03/04) supercedes Statewide Order No. 29-R-02/03 and any amendments thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1251 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2305 (October 2000), LR 27:1921 (November 2001), LR 28:2368 (November 2002), LR 29:

#### **Family Impact Statement**

In accordance with LSA-RS 49:972, the following statements are submitted after consideration of the impact of the proposed Rule on family as defined therein.

1. The proposed Rules will have no effect on the stability of the family.

2. The proposed Rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The proposed Rules will have no effect on the functioning of the family.

4. The proposed Rules will have no effect on family earnings and family budget.

5. The proposed Rules will have no effect on the behavior and personal responsibility of children.

6. Family or local government are not required to perform any function contained in the proposed Rules.

Comments and views regarding the proposed fees will be accepted until 4:30 p.m., Wednesday, October 1, 2003. Comments should be directed, in writing, to: Office of Conservation, Engineering Division, 9th Floor, P.O. Box 94275, Baton Rouge, LA 70804-9275 (Re: Docket No. 03-649, Proposed Statewide Order No. 29-R-03/04).

A public hearing will be held at 9 a.m., Thursday, September 25, 2003 in the LaBelle Hearing Room, located on the First Floor, LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

James H. Welsh  
Commissioner

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Fees**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no implementation costs (savings) to state or local governmental units resulting from this action

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Statewide Order No. 29-R-03/04 will replace the existing Statewide Order No. 29-R-02/03, which establishes the Office of Conservation Fee Schedule and will retain the maximum revenue caps authorized in R.S. 30:21 et seq. In order to generate the maximum revenue caps, Production Fees were increased by 18 percent, Class I Injection Wells were increased by 9 percent, and Class II Injection Wells, Class III Injection Wells, and Type A and B Commercial Facilities were increased by 14 percent. As a result of this order, the Office of Conservation will collect roughly the same revenue as in FY 02/03, or approximately \$6,214,400 in FY 03/04. No local governmental units will be impacted by this action.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed Rule will replace the existing Office of Conservation Fee Schedule. The proposed Statewide Order No. 29-R-03/04 will retain the existing revenue caps for fees assessed to industries under the jurisdiction of the Office of Conservation, as authorized by R.S. 30:21 et seq., and is expected to reach approximately \$6,214,400 for FY 03/04.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The passage of Statewide Order No. 29-R-03/04 will have no effect on competition and employment.

Felix J. Boudreaux  
Assistant Commissioner  
0308#101

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

#### **NOTICE OF INTENT**

#### **Department of Public Safety and Corrections Corrections Services**

Crime Victims Services Bureau (LAC 22:I.Chapter 23)

The Department of Public Safety and Corrections, Corrections Services, in accordance with the Administrative Procedures Act, R.S. 49:950, et seq., hereby provides notice of its intent to amend LAC 22:I.Chapter 23, Crime Victims Services Bureau.

#### **Title 22**

#### **CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT**

#### **Part I. Corrections**

#### **Chapter 23. Crime Victims Services Bureau**

#### **§2301. Purpose**

A. To establish the primary functions of the Crime Victims Services Bureau, a public service implemented through the Secretary's Office, which enables victims of crime and others directly affected by that crime to register for notification of key events specified in law and policy, facilitates general access to information helpful to crime victims, and supports development of programming responsive to the needs and wishes of crime victims and others injured by the criminal acts of persons under the state's authority.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:409 (March 2001), amended LR 29:

### §2303. Applicability

A. Deputy Secretary, Undersecretary, Assistant Secretaries, all Wardens, Director/Probation and Parole Adult, Director/Probation and Parole Juvenile, Board of Parole, and Board of Pardons.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:409 (March 2001), amended LR 29:

### §2305. Definitions

*Designated Family Member* a family member or a legal guardian of a minor victim, a homicide victim, or a person who is disabled such designation usually made by local authorities.

*Inmate* in this context, anyone committed to the custody of the department whether as an adult or a juvenile.

*Other Designated Persons* persons not included above who wish to register because of a relationship or other circumstances involving the inmate e.g., estranged or ex-spouse, previously battered companion, concerned neighbor, arresting officer, prosecuting district attorney.

*Victim* a person against whom a felony offense or a felony-grade delinquent offense has been committed.

*Victim Notice and Registration Form* a form promulgated by the Louisiana Commission on Law Enforcement (LCLE) and provided by a judicial or law enforcement agency, or a form available from the department (attached), on which a person may indicate a request to be afforded the rights prescribed in law and/or policy for victims, witnesses, and other designated persons. In the context of this regulation, the term also includes letters requesting notification about an inmate's movement through the system and can include victim requests made by telephone or identified in presentence, preparole, or other investigative reports in the department's possession.

*Victim's Family* spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when that person is in custody for an offense or is the defendant.

*Witness* a person who has relevant information about a crime that was committed and who, consequently, could be or has been called as a witness for the prosecution.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:409 (March 2001), amended LR 29:

### §2307. Policy

A. For many years correctional systems focused primarily on the custody, care, and control of the sentenced adults and adjudicated juveniles placed under its authority. During the 1990s, victim advocacy groups came forward to remind justice system officials that crime does not injure only or even primarily the state. Crime injures individual human beings. So, to be truly effective, the justice system must include the fact that a crime has hurt someone and then must develop appropriate ways to respond to and mitigate that injury. This is our challenge. It is the secretary's policy to ensure compliance with all laws governing the rights of victims and witnesses and, through operations of the Crime Victims Services Bureau, to facilitate access to those rights

and encourage programming throughout the agency to enhance responsiveness to victims by staff and inmates. This policy will be supported by staff education and will include new programming in the areas of victim impact classes for inmates and victim-initiated victim-offender dialogue. To achieve these ends the department will collaborate with other justice system agencies, victim advocacy groups, and other community-based organizations, and will incorporate responsiveness to the victim's role into CORE (Corrections Organized for Re-entry), the department's offender re-entry initiative.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:410 (March 2001), amended LR 29:

### §2309. General Procedures

A. The department will maintain a toll-free telephone line to the Crime Victims Services Bureau. The bureau will help callers register for notification and find answers to questions, and will refer callers to other units within the agency, the Board of Parole, the Board of Pardons, the prosecuting district attorney, and/or other crime victim programs and agencies.

B. When a victim notice and registration form is received in any unit of the department, staff will respond timely and in a manner consistent with the requirements of this and other department regulations governing release of information and victims' and witnesses' rights. However, the filing of a victim notice and registration form by an incarcerated adult or a juvenile in secure care shall not enable that individual to receive information about another individual incarcerated or in secure care under the department's authority.

C. As provided by law, a victim or a designated family member may use the victim notice and registration form promulgated by LCLE to indicate their wish to review and comment on information in the postsentence report relating to the crime against the victim. The Division of Probation and Parole Adult will oversee access to this information.

D. Additional assistance is available to employees who are victimized while on duty or on personal time, as described in Department Regulation No. A-02-024 "Critical Incident Stress Management Program."

E. Persons receiving unsolicited communications by telephone or mail from inmates in state custody may contact the Crime Victims Services Bureau for assistance in having the contacts stopped. The bureau will work with the appropriate warden to see that reasonable and necessary steps are taken to address the situation. This may involve disciplinary action, including loss of good time.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:410 (March 2001), amended LR 29:

### §2311. Confidentiality

A. Both the information contained in a victim notice and registration form and the fact that a notification request has been made are confidential. Pursuant to provisions of R.S. 15:574.12, staff may answer inquiries from judicial and law

enforcement agencies. Any other inquiries from outside the department about who is registered or whether a particular inmate has a registered victim should be referred to the Crime Victims Services Bureau.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:410 (March 2001), amended LR 29:

### **§2313. Restitution**

A. When restitution is required as a condition of probation, parole, or work release, such cash or service shall be monitored and/or collected by the Division of Probation and Parole Adult or Juvenile, as appropriate.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:410 (March 2001), amended LR 29:

### **§2315. Parole and Pardon Hearings and Related Matters**

A. The Board of Parole and the Board of Pardons will comply with all laws regarding written notification prior to scheduled hearings, including the requirement that notice be given to all persons who file a victim notice and registration form and to the appropriate district attorney. Notifications regarding pending hearings shall be made through action of the Division of Probation and Parole Adult or directly, as appropriate.

B. As provided in law, when a hearing is scheduled by either board, the victim or victim's family shall be allowed to make written and oral statements concerning the impact of the crime and to rebut statements or evidence introduced by the inmate. The victim or victim's family, a representative of a victim advocacy group, and the district attorney or his representative may appear before the boards in person or by telephone from the district attorney's office.

C. As provided in law, the Pardon Board will notify the Crime Victims Services Bureau before hearing an applicant.

D. Wherever Parole Board or Pardon Board hearings are held, all reasonable steps will be taken to see that victims and their family members and inmates and their family members do not have direct contact before or after the hearing. This practice should, where possible, begin at the entrance to the hearing site and include provision of a separate waiting area and access to separate restroom facilities. Hearing sites are also encouraged to provide victim access to a staff person who can explain the hearing process and answer other questions.

NOTE: Parole Board and Pardon Board procedures provide detailed information about each board's policies and practices.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:410 (March 2001), amended LR 29:

### **§2317. Notifications Regarding Adult Inmates**

A. When a victim notice and registration form is received at an institution, it shall become part of the inmate's permanent record, and the notes section of the stamp format

shall be marked to indicate the existence of a notification request.

B. The Crime Victims Services Bureau will acknowledge receipt of each victim notice and registration form with a letter that includes the possible release dates of the inmate named on the form.

C. When the department receives a victim notice and registration form regarding an inmate sentenced on or after August 15, 1997, the department must provide the inmate's projected release dates to the victim and the sentencing court within 90 days of the inmate's commitment date. If those dates are not available when the bureau receives the registration form, the bureau will flag appropriate inmate records staff about the response deadline and will send projected release dates as soon as they are available.

D. If a mistaken calculation is discovered after projected release dates have been sent to a victim, the unit that makes the correction will send a letter providing corrected release dates to all registered victims. This provision does not include changes to an inmate's diminution of sentence date resulting from earning or losing good time credits. However, if educational good time is credited after letters have been sent to inform registered victims of an inmate's imminent release, a second letter should be sent to inform them of the new, closer release date. The second letter need not be certified.

E. In the event an inmate named on a victim notice and registration form makes a court appearance that subsequently affects sentence length or is approved for furlough, placed on a Risk Review Panel docket, transferred to work release, or released from prison, persons who have filed a victim notice and registration form shall be notified by mail. Release from prison includes parole, diminution of sentence to parole supervision, diminution of sentence, full term, court ordered release (which includes release to another jurisdiction, including parish jail), and death while incarcerated. These notifications, except in the case of Risk Review consideration and transfer to work release, shall be made by certified mail.

1. Notice of transfer to work release should be mailed on the day of the inmate's approval or transfer. If the inmate is a sex offender, law requires notice 10 days prior to transfer.

2. Notice of furlough and scheduled release from prison should be mailed in time to allow persons requesting notice to receive the notice before the inmate is furloughed or released to supervision. If the inmate is a sex offender, law requires notice 10 days prior to furlough or release.

3. Notice involving an inmate due for immediate release should be by telephone, followed by a letter confirming release.

F. In the event that an inmate named on a victim notice and registration form escapes from institutional custody, registered persons shall be notified immediately at the most current address or phone number on file by the most reasonable and expedient means possible. When the inmate is recaptured, written notice shall be sent within 48 hours of regaining custody. (Notifications required by Department Regulation No. C-02-001 "Reporting and Documenting Escapes, Absconding and AWOLs" also apply.)



G. Responsibility for notifications included in Subsections D-F above shall be as follows.

1. The warden of the state-owned institution where the inmate is assigned.

2. The warden of Elayn Hunt Correctional Center, David Wade Correctional Center, or Louisiana Correctional Institute for Women, as appropriate, if the inmate is assigned to the State Police Barracks, a local jail facility, a correctional institution in another jurisdiction, or a non-secure adult contract work release program.

3. The Assistant Secretary/Adult or his designee if the inmate is in a local jail facility and is transferred to a non-contract (sheriff's) work release program.

4. The Risk Review Panel chairman or his designee, if an inmate is placed on a Risk Review docket.

H. When an institution receives an inmate whose file already contains a victim notice and registration form, the institution is encouraged to send an acknowledgment letter to all registered victims in the file.

I. In the event that an inmate is recommended for a regular or medical furlough, medical parole, or work release, the Warden shall determine whether there is a victim notice and registration form on file and shall so note when submitting a recommendation to the secretary. The warden should indicate the city or town of residence of any registered victim.

J. If an inmate named in a victim notice and registration form was sentenced for a sex offense, the provisions of Department Regulation No. B-08-009 "Sex Offender Notification and Registration Requirements" also apply.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:411 (March 2001), amended LR 29:

### **§2319. CAJUN II Procedures - Adult Inmates**

A. Any addition of or modification to a victim record in CAJUN must be supported by written documentation filed with the Crime Victims Services Bureau and included in the inmate's institutional record or, if the inmate is under supervision when a new form or a revision is received, in the inmate's master record in the supervising district.

B. The unit or office that receives an initial victim notice and registration form or a revision shall be responsible for entering the victim information in CAJUN and sending a copy of the form to the Crime Victims Services Bureau. Forms received first by the Crime Victims Services Bureau or directed there from the Parole Board will be entered by the bureau and copied to the appropriate units.

C. Any victim notice and registration form, promulgated by LCLE and received by the bureau, will also be copied by the bureau to the probation and parole district serving the court in which the inmate was sentenced.

D. If a person who has previously filed a victim notice and registration form withdraws his request, he must do so in writing, after which his individual victim record in CAJUN will be modified so that CAJUN will not generate notification letters.

E. When a victim notice and registration form is on record, the following applies.

1. The request will remain active until the inmate's CAJUN file is inactivated. When the file is inactivated,

CAJUN will automatically code existing victims "I" (inactive). The inactive flag will prevent CAJUN from generating letters to those victims. If the inmate is sentenced to additional time before his file is inactivated, registered victims will remain active on the record.

2. If an inmate is released before his full term date and subsequently returned to institutional custody, the victim will not be notified of the return but will be notified of subsequent actions as provided in §2317. of this regulation.

NOTE: A "Y" in the CVNR field on the master inquiry screen does not necessarily mean that there is a victim who must be notified. It indicates only that a victim has been entered on the CAJUN victim screen.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:411 (March 2001), amended LR 29:

### **§2321. Rights of Victim's Family When an Inmate's Sentence is Death**

A. At least 10 days prior to an execution, the secretary shall give written notice or verbal notice (followed by written notice placed in the United States mail within five days thereafter) of the time, date, and place of the execution to the victim's parents or guardian, spouse, and any adult children who have indicated they desire notice. A minimum of two representatives of the victim's family shall have the right to be present.

B. A complete explanation of the department's responsibilities in instances where an inmate has been sentenced to death appears in Department Regulation No. C-03-001 "Death Penalty."

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:412 (March 2001), amended LR 29:

### **§2323. Processing of Requests for Notification Regarding Juveniles**

A. Victim notification laws apply only when a juvenile is placed in secure care.

B. A request for notice involving an inmate adjudicated as a juvenile must be filed using a victim notice and registration form promulgated by LCLE, in compliance with La. Ch. C. Art. 811.1 and La. R.S. 46:1842(8) and 1844(N)(2).

C. When the Crime Victims Services Bureau receives a victim notice and registration form regarding a juvenile, the bureau will retain a copy and forward the original to the Office of Youth Development (OYD). OYD will verify the offender information in the juvenile database tracking system (JIRMS), enter the victim request in JIRMS, and forward the request to the juvenile institution where the inmate is housed.

D. When an institution receives a victim request involving a juvenile, staff will file it in the inmate's case file and track the case according to regulation and policy.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:412 (March 2001), amended LR 29:

**§2325. Notifications Concerning Juvenile Inmates in Secure Care**

A. In the event of an escape, the assigned institution shall notify the registered victim immediately by the most reasonable and expedient means possible.

B. In the event of recapture, the Juvenile Reception and Diagnostic Center at Jetson Correctional Center for Youth (JCCY) shall notify the registered victim within 48 hours of the youth's return to custody.

C. In the event of parole, transfer to a non-secure program, or discharge, the assigned institution shall notify the registered victim by certified mail.

D. If a juvenile with a registered victim is released directly to adult custody because of a crime committed as an adult, the juvenile institution shall inform the receiving adult unit of the victim notification request on file.

E. The Warden of the institution where the inmate is assigned is responsible for required notifications, except in the case of recapture, when the Warden of JCCY is responsible.

AUTHORITY NOTE: Promulgated by the Secretary of the Department of Public Safety and Corrections in accordance with R.S. 36, Chapter 9.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 27:412 (March 2001), amended LR 29:

**Family Impact Statement**

In accordance with the Administrative Procedure Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Rescission of the current LAC 22:I.Chapter 23, Crime Victims Services Bureau, and adoption of the proposed LAC 22:I.Chapter 23, Crime Victims Services Bureau, by the Department of Public Safety and Corrections, Corrections Services, will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed Rule amendment.

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Capitol Station, Baton Rouge, LA 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on October 20, 2003.

Richard L. Stalder  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES  
RULE TITLE: Crime Victims Services Bureau**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs. The current Rule has been extensively re-written as a result of new policies and procedures. No new staffing or significant functions are implicated by the changes.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimate effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons since this is merely a change in procedures for an existing division of the department.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment.

Robert B. Barbor  
Deputy General Counsel  
0308#059

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Gaming Control Board**

Promotions (LAC 42:VII.2953, IX. 2922,and XIII.2953)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:VII.2953, IX.2922, XIII.2953 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 42**

**LOUISIANA GAMING**

**Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming**

**Chapter 29. Operating Standards**

**§2953. Promotions**

A. - D. ...

E. Any promotional program involving a giveaway of prizes or drawing for cash or prizes shall incorporate the following elements.

1. Only persons 21 years of age and older shall be eligible to participate.

2. Entry forms required in drawings open to the general public shall be displayed in a prominent manner inside the casino.

3. No payment or purchase of anything of value, including chips or tokens from the casino or any other business, shall be required for participation in any giveaway or drawing, nor shall there be a requirement to pay an entry fee.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), amended LR 27:1555 (September 2001), LR 29:

**Part IX. Landbased Casino Gaming**

**Subpart 1. Economic Development and Gaming Corporation**

**Chapter 29. Operating Standards Generally**

**§2922. Promotions**

A. - D. ...

E. Any promotional program involving a giveaway of prizes or drawing for cash or prizes shall incorporate the following elements.

1. Only persons 21 years of age and older shall be eligible to participate.

2. Entry forms required in drawings open to the general public shall be displayed in a prominent manner inside the casino.

3. No payment or purchase of anything of value, including chips or tokens from the casino or any other business, shall be required for participation in any giveaway or drawing, nor shall there be a requirement to pay an entry fee.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:335 (February 2000), amended LR 27:1557 (September 2001), LR 29:

**Part XIII. Riverboat Gaming**

**Subpart 2. State Police Riverboat Gaming Division**

**Chapter 29. Operating Standards**

**§2953. Promotions**

A. - D. ...

E. Any promotional program involving a giveaway of prizes or drawing for cash or prizes shall incorporate the following elements.

1. Only persons 21 years of age and older shall be eligible to participate.

2. Entry forms required in drawings open to the general public shall be displayed in a prominent manner inside the casino.

3. No payment or purchase of anything of value, including chips or tokens from the casino or any other business, shall be required for participation in any giveaway or drawing, nor shall there be a requirement to pay an entry fee.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board LR 27:1558 (September 2001), LR 29:

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 342-2465, and may submit comments relative to these proposed Rules, through September 9, 2003, to 339 Florida Street, Suite 500, Baton Rouge, LA 70801.

Hillary J. Crain  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Promotions**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No implementation costs are anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections is anticipated, except that allowing casino gaming establishments to conduct promotions based on gaming activity may result in an increase in revenue,

however the amount of any revenue increase cannot be estimated with any degree of certainty.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that these Rules will result in economic costs or benefits to directly affected persons. Amendments to LAC 42:VII.2953, IX.2922, and XIII.2953 may ultimately result in increased casino revenues, however the amount of any revenue increase cannot be estimated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is estimated.

Hillary J. Crain  
Chairman  
0308#057

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Liquefied Petroleum Gas Commission**

General Requirements  
(LAC 55:IX.103, 105, 107, 113,  
129, 139, 175, 183, and 1547)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 40:1846 and R.S. 3:1354 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce reasonable Rules and Regulations governing the storage, sale, and transportation of liquefied petroleum gases and anhydrous ammonia, notice is hereby given that the commission proposes to amend existing Rules. The proposed Rule changes have no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

The proposed Rule changes will do two things: (1) increase the insurance requirements on liquefied petroleum gas permits; and (2) clarify the intent of several existing rules and incorporate Act 275 of the 2003 Regular Session into the Rules.

The proposed Rule changes comply with the statutory authority granted the commission under R.S. 40:1846 and R.S. 3:1354.

**Title 55  
PUBLIC SAFETY**

**Part IX. Liquefied Petroleum Gas**

**Chapter 1. General Requirements**

**Subchapter A. New Dealers**

**§103. Definitions**

\*\*\*

**Reseller or Wholesaler**

a. a person, firm, or corporation who:

i. holds title or ownership of liquefied petroleum gas as it leaves the facility or plant of a manufacturer of liquefied petroleum gas, or the facility or plant of a manufacturer of products of which liquefied petroleum gas form a component part, or of a commercial storage facility;

ii. transfers such title or ownership to another without substantially changing the form of the liquefied petroleum gas.

iii. transfers such title or ownership to another reseller, or to a liquefied petroleum gas dealer for sale at retail.

b. This definition shall include a manufacturer of liquefied petroleum gas or a manufacturer of products of which liquefied petroleum gas forms a component part, if title or ownership transfers directly from the manufacturer to a liquefied petroleum gas dealer for sale at retail.

c. This definition shall not include a manufacturer of liquefied petroleum gas or a manufacturer of products of which liquefied petroleum gas forms a component part, if title or ownership transfers to another manufacturer of liquefied petroleum gas, to another manufacturer of products of which liquefied petroleum gas forms a component part or to a reseller.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:459 (March 1998), LR 29:

### **§105. Applications**

A. Any person, firm, or corporation desiring to enter the liquefied petroleum gas business in the state of Louisiana must file formal application with the Liquefied Petroleum Gas Commission. In the case of Class VI and Class VIII a formal application must be filed for each location. Other classes of permits and registrations require only one formal application to be filed. Formal application(s) must be filed for Class I, 90 days, and for Classes II, III, IV, V, VI, VII, VIII, and IX, 30 days prior to the date of the commission meeting which the application is to be heard. Application for Classes VI-X, VII-E, and R-1, R-2 registrations have no delay prior to the granting of the permit. These permits will be granted by the office of the director, upon complying with all commission requirements, and ratified by the Liquefied petroleum Gas Commission at the first subsequent commission meeting. Presence of applicant or his authorized representative is required at the commission meeting when the application is heard, except in the cases of Class VI-X, VII-E, and R-1, R-2 registrations where appearance is waived. In no case will the applicant's supplier be the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) will be furnished by the commission upon request.

B. No person, firm or corporation engaged in selling of liquefied petroleum gas only in small consumer quantities in U.S. Department of Transportation specification 2Q containers shall be required to obtain a permit as required by R.S. 40:1847. These quantities shall not exceed one liter per container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 24:460 (March 1998), LR 25:1262 (July 1999), LR 29:

### **§107. Requirements**

A. - A.1. - 2. ...

3. Must have on file in the office of the director, proof of insurance, issued by a Louisiana licensed agent, in the minimum sum of \$1,000,000, in the classes of insurance as required by the commission. This proof of insurance must show kinds and amounts in force. A certificate of insurance will meet the proof of insurance requirement. Said certificate shall be considered evidence of liability insurance coverage: said certificate must bear the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 10 days prior to date of cancellation. A binder of insurance coverage, within date, will be acceptable as proof of insurance until the policy is issued. The \$1,000,000 requirement shall be effective on the first proof of insurance required after November 1, 2003.

a. In lieu of such liability insurance coverage the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or by the federal government, in the minimum sum of \$1,000,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue;

3.b. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:

### **§113. Classes of Permits and Registrations**

A. - A.1. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

1.a.i. - 2. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

2.a.i. - 3. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

3.a.i. - 4. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

4.a.i. - 5. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

5.a.i. - 6. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

6.a.i. - 7. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

7.a.i. - 8. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

8.a.i. - 9. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

9.a.i. - 10. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

10.a.i. - 11.a. ...

b. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

11.b.i. - 12. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

12.a.i. - 13. ...

a. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

13.a.i. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended and promulgated LR 3:315 (July 1977), amended LR 7:633 (December 1981), LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993), LR 20:1400 (December 1994), LR 21:704 (July 1995), LR 24:464 (March 1998), LR 25:2411 (December 1999), LR 29:

#### **Subchapter B. Dealers**

##### **§129. Odorizing Gases**

A. Odorization and verification of odorization in liquefied petroleum gases shall be in accordance with the following provisions.

1. Except as otherwise provided in this subchapter, each refinery, commercial storage facility, natural gas processing plant, pipeline, or other person which sell liquefied petroleum gas to a transporter, dealer, or distributor for distribution into the distribution chain to consumers shall odorize the liquefied petroleum gas in accordance with the provisions of this Subchapter.

2. Liquefied petroleum gas shall not be required to be odorized if it is to be delivered to a manufacturer of products of which liquefied petroleum gas forms a component part, to any facility for further processing, to a commercial storage facility, a natural gas processing plant, a refinery, a pipeline, or when odorization would be harmful in further use or processing of the gas and would not serve a useful purpose as a warning agent in further use or processing of the gas.

3. Liquefied petroleum gas which is required to be odorized shall be effectively odorized by an approved agent of such character as to positively, by a distinctive odor, the presence of gas down to concentrations in air of not over one-fifth the lower limit of flammability. The presence of odorization, when required, shall be positively verified by the dealer by a sniff test or other means, and the results shall be documented prior to delivery into his bulk plant, or when a shipment bypasses a bulk plant, prior to delivery to a consumer. It is the intent of this Paragraph to prohibit the sale or delivery of liquefied petroleum gas by a dealer to a consumer without the required odorization.

4. - 5. ...

6. The only approved odorants are those specified in Paragraph 4 of this Subsection; however, the commission may authorize, by Rule, the use of other odorants which are equal in effectiveness to the odorants specified in Paragraph 4 of this Subsection.

7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:558 (May 1985), LR 29:

##### **§139. Liquefied Petroleum Gas Systems**

A. - F.1. ...

2. Failure to properly odorize gas or to verify the presence of odorant as require by R.S. 40:1846 and §129 of this Subchapter.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989), LR 24:465 (March 1998). LR 29:

#### **Subchapter G. Systems Utilizing ASME Containers**

##### **§175. Pressure Test and Inspection Required**

A. - A.1.a. ...

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 15 minutes. There shall be no loss of pressure;

1.c. - 2.a. ...

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 15 minutes. There shall be no loss of pressure;

2.c. - 3.a. ...

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 15 minutes. There shall be no loss of pressure;

3.c. - 4.a. ...

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 15 minutes. There shall be no loss of pressure;

4.c. - 5.a. ...

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 15 minutes. There shall be no loss of pressure;

5.c. - 6.a. ...

b. with openings capped, test piping at 40 pounds per square inch air pressure for a period of at least 15 minutes. There shall be no loss of pressure;

6.c. - 9.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:468 (March 1998), LR 24:2312 (December 1998), LR 29:

**Subchapter I. Adoption of Standards**

**§183. Use of Liquefied Petroleum Gas as a Refrigerant Prohibited**

A. No person, firm, or corporation shall use, sell, or distribute liquefied petroleum gas for use in mobile air conditioning systems.

B. *Mobile Air Conditioning System* Mechanized vapor compression equipment which is used to cool the driver's or passenger's compartment of any motor vehicle.

C. To determine if a refrigerant is liquefied petroleum gas, the proper shipping name shall be used. Proper shipping names with a U.N. number and a hazard class and division number of liquefied petroleum gas per the U.S. Department of Transportation hazardous materials tables shall be prima facie evidence that the refrigerant is liquefied petroleum gas and is prohibited.

D. Any advertising or other literature published by the manufacturer of a refrigerant promoting it as a replacement or drop-in for CFR-12 or HFC 134a, or both, shall be prima facie evidence that it is being sold for mobile air conditioning systems and is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 23:990 (August 1997), amended LR 29:

**Chapter 15. Sale, Storage, Transportation and Handling of Anhydrous Ammonia**

**Subchapter D. Adoption of Standard**

**§1547. National Standard**

A. ...

B. The commission may adopt subsequent editions of these standards by a Rule change in accordance with the Administrative Procedure Act.

C. ...

D. The commission reserves the right to make exceptions to any Rule adopted in §1547.A as it applies to local conditions as it may deem necessary in the interest of public safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:903 (July 1993), LR 29:

The commission will hold a public hearing September 25, 2003, 7919 Independence Boulevard, Baton Rouge, LA, at 8:30 a.m. in regard to these changes.

Written comments will be accepted through September 19, 2003 and should be sent to Charles M. Fuller at P.O. Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing. A preamble has not been prepared for the intended action.

Charles M. Fuller  
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: General Requirements**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only cost increase to the agency will be the cost of publishing in the *Louisiana Register* which will be insignificant. There will be no increase or decrease in costs to any local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no increase or decrease on revenue collections of any state or any local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be an economic cost to approximately 333 permit holders. It is estimated that permitholders will incur an additional \$71,200 in aggregate costs for the increase in liability insurance required by these Rule changes. There will be no effect on competition and employment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Charles M. Fuller  
Director  
0308#058

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Social Services  
Office of Family Support**

TANF Initiatives Community Supervision Program  
(LAC 67:III.5573)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, proposes to adopt LAC 67:III.5573, Community Supervision Program (CSP) as a new TANF Initiative.

Under the provisions of the Temporary Assistance to Needy Families (TANF) Block Grant, a state may expend its Maintenance of Effort (MOE) funds on a variety of services, benefits and supports that help families become self-

sufficient. To effectuate the use of its MOE funds in accordance with federal and state regulations, the Office of Family Support will count as MOE expenditures those funds expended by the Department of Public Safety and Corrections (DPSC), Office of Youth Development (OYD), to implement and administer the Community Supervision Program, a program intended to further the goals and intentions of the federal TANF Block Grant.

This proposed Rule was effected June 17, 2003, by a Declaration of Emergency published in the July issue of the *Louisiana Register*.

**Title 67**  
**SOCIAL SERVICES**

**Part III. Family Support**

**Subpart 15. Temporary Assistance to Needy Families  
(TANF) Initiatives**

**Chapter 55. TANF Initiatives**

**§5573. Community Supervision Program**

A. OFS shall enter into a Memorandum of Understanding (MOU) with the Department of Public Safety and Corrections (DPSC), Office of Youth Development (OYD), to provide services to youth and their families as a result of an adjudication and disposition by a court that orders DPSC/OYD to supervise youth in their communities in an effort to prevent removal from the home.

B. OYD/CSP will complete an intake/assessment and develop a case plan for addressing the needs of the youth. The case plan will contain goals for all need areas and when indicated, include referrals to community programs for both youth and parents. These referrals may include but are not limited to:

1. case management, counseling, and in-home services;
2. parenting education and training, either in-home or out-of-home;
3. diagnostic and evaluation services provided in an attempt to make the most appropriate out-of-home placement;
4. supervision or non-residential programs for youth who remain in the home.

C. The agency will identify eligibility retroactive to October 1, 2002.

D. These services meet the TANF goal to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives by providing services to youth, who are in jeopardy of removal from their homes, and their families.

E. Financial eligibility for those services attributable to TANF/Maintenance of Effort (MOE) funds is limited to eligible families, which include a minor child living with a custodial parent, an adult caretaker relative, or a legal guardian. An eligible family is one in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamp benefits, Child Care Assistance Program (CCAP) services, Title XIX (Medicaid) Medical Assistance Program benefits, Louisiana Children's Health Insurance Program (LACHIP) benefits, or Supplemental Security Income (SSI).

F. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**Family Impact Statement**

1. What effect will this Rule have on the stability of the family? Implementation of this Rule should have a positive impact on family stability, as it will allow court-ordered youth to remain in their home under the supervision of DPSC/OYD.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This Rule should have a positive impact on family functioning by allowing the family unit to stay together under the supervision of DPSC/OYD.

4. What effect will this have on family earnings and family budget? The Rule will have no effect on family earnings and budget.

5. What effect will this have on the behavior and personal responsibility of children? In-home supervision of children by DPSC/OYD should cause the children to develop a sense of being responsible for their behavior.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this program is strictly an agency function.

All interested persons may submit written comments through Friday, September 26, 2003, to Mary M. Joseph, Assistant Secretary, Office of Family Support, at P.O. Box 94065, Baton Rouge, LA, 70804-9065.

A public hearing on the proposed Rule will be held on Friday, September 26, 2003, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Gwendolyn P. Hamilton  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: TANF Initiatives  
Community Supervision Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The cost of publishing rulemaking is estimated to be \$272. There are no other costs or savings associated with this Rule. To effectuate the use of its Maintenance of Effort (MOE) funds in accordance with federal and state regulations, the Office of Family Support will count as MOE those funds expended by the Department of Public Safety and Corrections (DPSC), Office of Youth Development (OYD), used to implement and administer the Community Supervision Program. This program will allow adjudicated youths to remain in their communities under supervision rather than being remanded to a state institution. The total MOE estimated to be generated by

implementing this program is approximately \$8 million in FY 2003 and each additional fiscal year and not increase the Agency's MOE from its current level.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed Rule results in no costs or economic benefits to any persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed actions will have no impact on competition and employment.

Mary M. Joseph  
Assistant Secretary  
0308#054

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Transportation and Development Office of Highways/Engineering

#### Outdoor Advertising (LAC 70:III.Chapter 1)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to amend Subchapter C of Chapter 1 of Part III of Title 70 entitled "Regulations for Control of Outdoor Advertising," in accordance with R.S. 48:461 et seq.

#### Title 70

#### TRANSPORTATION

#### Part III. Outdoor Advertising

#### Chapter 1. Outdoor Advertising

#### Subchapter C. Regulations for Control of Outdoor Advertising

#### §137. Nonconforming Signs

A. In addition to all other laws, regulations and Rules, the following conditions and requirements apply to a continued maintenance of such nonconforming sign.

1. The sign must remain substantially the same as it existed on the effective date of the state law, regulation, Rule or local ordinance which caused said sign to be nonconforming.

2. - 6. ...

7. Destruction

a. Nonconforming signs which are damaged beyond one-third of the replacement-cost-new of the subject sign lose their nonconforming status, as hereinabove provided, unless they be destroyed by intentional, criminal conduct. Any signs so damaged by intentional, criminal conduct may be re-erected within 180 days of its destruction to retain nonconforming status; however, such re-erection must occur at the identical location and the size, lighting and spacing must be identical to the prior circumstances.

b. When any nonconforming sign which deteriorates or suffers a nonintentional, noncriminal destruction to the point where the cost of repairing or maintaining the subject sign will exceed one-third of the

replacement-cost-new of the sign, the nonconforming status will change to illegal and the sign may not be reinstalled.

#### 8. Abandonment

a. If an existing, nonconforming sign ceases to display a bona fide advertising message for a period of 12 months or more, then, the sign shall be considered abandoned and its nonconforming use rights are thereby terminated.

b. The said 12-month period may be interrupted for the period of time during which the controlled highway relative to such sign is closed for repairs adjacent to said sign.

c. Nonconforming sign shall be deemed to be abandoned whenever:

i. the structure is without an advertising message for a period of 12 months or more;

ii. the sign structure or face thereof has not been maintained or repaired for 12 months or more; and

iii. the owner or possessor of the sign or structure has no valid lease or other lawful occupancy right from one entitled to grant same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:188 (June 1976), amended LR 29:

#### §143. Procedure and Policy for Issuing Permits for Controlled Outdoor Advertising

A. ...

B. Applicants for a permit shall execute an application form furnished by the Louisiana Department of Transportation and Development and shall forward such application form properly and completely executed as to all information requested to the district office of the Louisiana Department of Transportation and Development situated within the highway district where said sign is to be located.

C. The department must be notified in writing by the original permittee upon any change or transfer of ownership of the permitted installation.

D. An original signature or a copy of a current lease agreement shall be submitted with each application.

E. Repealed.

F. ...

G. Permit applications which are properly completed and executed and which are accompanied by all other required documentation or evidence shall be thereafter submitted by the district office to the appropriate permit office in Baton Rouge, Louisiana for review. Permits which are not in proper form or which are not complete or not accompanied by required documentation and evidence or do not meet the requirements of state law at the time of the submittal of the application shall be returned to the applicant by the district office with reasons for its return. Applications may be resubmitted at any time.

H. - I. ...

J. Each permit shall specify a time delay of 6 months or 12 months (at the permittee's option) within which to erect the subject advertising device. The district office shall determine whether or not the device has been erected within the specified time delay.

K. ...

L. If a sign has been erected within the delays allowed by the permit, but the subject sign does not conform to the



specifications of the permit, the Louisiana Department of Transportation and Development shall notify the applicant or permittee in writing to cause the sign to conform to the permit. The applicant or permittee shall have 30 days to cause the sign to conform to the permit. The time delay begins on the day following the posting of written notice to said applicant or permittee at the last known address as furnished by the applicant or permittee. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated. The department will void any permit when the permittee fails to conform the sign within the time delay or extensions provided. Thereafter the sign must be removed at the sign owner's expense. The sign owner may prevent such removal only by securing a new permit for the subject sign which did not conform to the previous permit. A new permit may be obtained upon appropriate application including payment of all fees in connection therewith. Nevertheless, once a permit has been voided the sign location is available to any applicant.

M. If a sign is erected without first obtaining a permit from the department and the department notifies the owner that the sign is illegal, the owner of the sign will have a period of 30 days from the date of receipt of the department's letter to bring the sign into legal compliance and make proper application for the permit. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191 (June 1976), amended LR 29:

**§144. Illegal Outdoor Advertising Signs**

A. An outdoor advertising sign is deemed to be illegal if:

1. the owner has received a certified letter from the department under the provisions of R.S. 48:461 and has failed to respond within the time allotted;
2. the owner replied to the certified letter provided for in R.S. 48:461; received a permit review as provided for hereafter; received a ruling of illegality and failed to appeal said ruling to a court of competent jurisdiction within the time allotted; or
3. the owner replied to the certified letter provided for in R.S. 48:461; received a permit review as provided for hereafter; received a ruling of illegality; appealed said ruling to a court of competent jurisdiction as provided for hereafter; and a final ruling of illegality was rendered by the court.

B. - B.1. ...

2. If the owner requests and receives a permit hearing as provided for in §144.D, and the hearing results in a finding that the owner's device is illegal, and he fails to appeal said finding to a court of competent jurisdiction, the owner shall be assessed a penalty of \$100 per day for each day that the violation occurred and continues to occur following the 30-day written notice of the ruling of the permit hearing.

3. If the owner receives and appeals the ruling of the permit hearing to a court of competent jurisdiction and receives a final ruling of illegality rendered by a court of

competent jurisdiction, then the owner shall be assessed a penalty of \$100 per day for each day that the violation occurred and continues to occur. Said penalty shall be retroactive to the date 30 days after written notice of the ruling of the permit hearing.

C. ...

D. There is hereby created within the Department of Transportation and Development a permit review process which is available to permit applicants who have received notification that the department intends to remove their outdoor advertising signs or deny future permits.

1. Composition of the Permit Review Committee. The permit review committee shall be composed of representatives of the following divisions within the Department of Transportation and Development:

a. - d. ...

2. Authority of the Permit Review Committee. The committee, pursuant to a majority vote, may arbitrate and resolve disputes which arise during the permit process and grant or deny relief to petitioning permittees.

3. The permittee shall bring his complaint before the permit review committee no later than 30 days after notification to remove the illegal sign, or no later than 30 days after receipt of a permit denial, whichever is applicable, in order to receive a permit review.

4. Duties of the Permit Review Committee. The permit review committee must meet in a timely fashion to review all protests filed by permittees. The permit review committee must give each protester due notice of meeting time and place. The permit review committee must notify the permittee of its action with 14 working days of its meeting.

5. Rights of the Protesting Permittee. The permittee shall submit, in writing, his protest and all pertinent exhibits. Such submittal must be received five days before the review committee meeting. The committee, in its discretion, may waive these requirements in particular circumstances in order to provide a fair hearing. The permittee may appear before the permit review committee to offer a brief explanation of his grievance.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 24:960 (May 1998), amended LR 29:

**Subchapter D. Outdoor Advertising Fee Schedule**

**§149. Permit Fee**

A. The following permit fee schedule is applicable to outdoor advertising signs.

Sign Size	Permit Fee Due upon Issuance and Each Six Months Thereafter until Erected	Renewal Fee Due Each Year Following Sign Erection
1-100 Square Feet	\$37.50 per sign face	\$7.50 per sign face
101-300 Square Feet	\$62.50 per sign face	\$12.50 per sign face
301 Square Feet and Over	\$125.00 per sign face	\$25.00 per sign face

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:602 (September 1986), amended LR 29:

### Family Impact Statement

The proposed adoption of this Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. the implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family;
2. the implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children;
3. the implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family;
4. the implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budget;
5. the implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children;
6. the implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent. Such comments should be submitted to Sherryl J. Tucker, Senior Attorney, P.O. Box 94245, Baton Rouge, LA 70804, Telephone (225) 237-1359.

Kam K. Movassaghi, Ph.D., P.E.  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Outdoor Advertising

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There will be no implementation costs associated with this proposed Rule. Technical changes are being made in existing Rules to clarify ambiguous language and make the Rules more workable for both the department and the outdoor advertising industry.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be a decrease of approximately \$73,832.50 per year in state revenues as a result of the fee change in this Rule. The amount of this decrease assumes that the same number of billboards in all size categories renew as they have historically. Because of federal and state spacing requirements, very few new sign locations are or will be available in the future. There are very few new highway miles allowing outdoor advertising being added to the system in the future. The only way in which revenue may increase in the future is if the legally conforming "junior" size billboards become large size billboards and their permit fees increase accordingly. As a direct result of this Rule change, the owners of the smaller "junior" billboards will realize a decrease in fees as a result of a more equitable fee schedule.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The outdoor advertising industry will be most directly affected by this Rule change. The owners of standard size billboards will be unaffected. The owners of smaller "junior" billboards will pay less in permit fees. Technical changes in the language of existing Rules will also make the Rules of the program easier to understand as they are applied by the department to the industry.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be a positive effect on competition and employment for the owners of smaller billboards. Their permit fees will decrease while they still charge their clients the same rates to lease the billboards.

Kam. K. Movassaghi,                      Robert E. Hosse  
Ph.D, P.E.                                      General Government Section Director  
Secretary                                      Legislative Fiscal Office  
0308#055

### NOTICE OF INTENT

#### Department of Transportation and Development Office of Real Estate

Appraisal Handbook for Fee Appraisers  
(LAC 70:XVII.Chapter 5)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to amend Chapter 5 of Part XVII of Title 70 entitled "Appraisal Handbook for Fee Appraisers," in accordance with R.S. 48:440 et seq.

#### Title 70

#### TRANSPORTATION Part XVII. Real Estate

#### Chapter 5. Appraisal Handbook for Fee Appraisers

#### §501. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:881 (May 1999), repealed LR 29:

#### §503. Overview of the Purpose of the Appraisal

A. - B. ...

C. Compensation shall be based upon the provisions of Article I, Section 4 of the Louisiana Constitution of 1974 and the provisions of R.S. 48:441 et seq.

D. Repealed.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:882 (May 1999), amended LR 29:

#### §517. Items Excluded from Appraisals

A. - B. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:884 (May 1999), amended LR 29:

**§523. Highest and Best Use**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:884 (May 1999), amended LR 29:

**§525. Land Valuation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), amended LR 29:

**§527. Valuation of the Entire Tract**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), amended LR 29:

**§529. Valuation of the Remainder**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), repealed LR 29:

**§531. Valuation of the Improvements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), repealed LR 29:

**§535. Appraisal Confidentiality**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:887 (May 1999), repealed LR 29:

**§547. Form A**

A. This form is designed for a complete, detailed appraisal of an entire ownership, including all land and improvements, using all applicable approaches. In effect, this is two separate appraisals. The "before the acquisition" and "after the acquisition" appraisals pertain to partial acquisitions only. Each segment, "before and after", is to be completed in detail and separately. All approaches to value are to be utilized in detail when applicable.

B. Repealed.

C. - C.2.k. ...

l. Repealed.

m. - o.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:889 (May 1999), amended LR 29:

**§549. Form B**

A. - B.21. ...

22. Repealed.

23. - 25.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:889 (May 1999), amended LR 29:

**§551. Form C**

A. This form is designed to be used only for simple acquisitions. The form does not require detailed discussions of the items listed, but the determinations made by the appraiser must be conclusive and based upon market support.

B. - C.13. ...

14. Repealed.

15. - 16.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:890 (May 1999), amended LR 29:

**§553. Form D**

A. - B.3. ...

4. Repealed.

B.5. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:890 (May 1999), amended LR 29:

**§559. Special Problems**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:891 (May 1999), repealed LR 29:

**§561. Front Land/Rear Premise**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:892 (May 1999), repealed LR 29:

**§563. Mineral Rights**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:892 (May 1999), repealed LR 29:

**§565. Timber Value**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:893 (May 1999), repealed LR 29:

**§567. Crop Value**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:893 (May 1999), repealed LR 29:

### Family Impact Statement

The proposed adoption of this amended Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. The implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family.
2. The implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children:
3. the implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family;
4. the implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budgets;
5. the implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children;
6. the implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to Sherryl J. Tucker, Senior Attorney, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804, Telephone (225) 237-1338.

Kam K. Movassaghi, Ph.D., P.E.  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Appraisal Handbook for Fee Appraisers

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There should be no costs or savings to state or local governmental units to implement this Rule change. It is being promulgated solely for the purpose of streamlining the guidelines for appraisal of property acquired by the department. The original guidelines for fee appraisers are too narrow and do not allow the appraiser enough latitude in evaluating property. The original guidelines are more narrow than the provisions of the Louisiana Constitution of 1974, Article I, Section 4, and R.S. 48:441 et seq. The constantly evolving jurisprudence which interprets those provisions that govern compensation of landowners from whom the department has expropriated property is being followed by the Department, rather than the current regulations.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The amendment to this Rule should have no effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Other than clarification of existing Rules for the fee appraisers employed by the department, directly affected persons and nongovernmental groups will not be affected.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment as a result of this rulemaking.

Kam K. Movassaghi,  
Ph.D., P.E.  
Secretary  
0308#056

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of the Treasury Parochial Employees' Retirement System

Internal Revenue Code Provisions (LAC 58:XI.Chapter 1)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees for the Parochial Employees' Retirement System has approved for advertisement the adoption of Chapter 1 of Part XI, included in Title 58, Retirement, of the *Louisiana Administrative Code*. This intended action complies with the statutory law administered by the Board of Trustees for the Parochial Employees' Retirement System. The proposed Rules are being adopted pursuant to newly reenacted R.S. 11:1931 (Acts 2003, Number 537, §§1 and 5), the effective date of reenactment of which will be the formal adoption of these Rules. Newly reenacted R.S. 11:1931 provides that Rules and Regulations be adopted which will assure that the Parochial Employees' Retirement System will remain a tax-qualified retirement plan under the United States Internal Revenue Code and the regulations thereunder. Newly repealed R.S. 11:1930, 1930.1, 1930.2, 1930.3 and 1931 (Acts 2003, Number 537, §§1, 2 and 5), the effective date of repeal of which will be the formal adoption of these Rules, has contained these tax-qualification provisions, which are now being embodied under these proposed Rules without any change to the text. A preamble to this proposed action has not been prepared.

### Title 58

#### RETIREMENT

##### Part XI. Parochial Employees' Retirement System

##### Chapter 1. Internal Revenue Code Provisions

##### §101. Limitation on Payment of Benefits

A.1. Unless the member has elected otherwise on or before December 31, 1983, the entire benefit of a member shall be distributed over a period not longer than the longest of the following periods:

- a. the member's life;
- b. the life of the member's designated beneficiary or the joint and last survivor lives of the member and his designated beneficiary;
- c. the member's life expectancy;
- d. the joint life and last survivor life expectancy of the member and his designated beneficiary.

2. If the member is married and his spouse survives him, the designated beneficiary shall be his spouse. If a member dies after the commencement of his benefits, the remaining portion of his benefit shall be distributed at least as rapidly as before his death.

B.1. If the member dies before his benefit has commenced, the remainder of such interest shall be

distributed to the member's beneficiary within five years after the date of such member's death.

2. Paragraph 1 shall not apply to any portion of a member's benefit which is payable to or for the benefit of a designated beneficiary or beneficiaries, over the life of or over the life expectancy of such beneficiary, so long as such distributions begin not later than one year after the date of the member's death, or, in the case of the member's surviving spouse, the date the member would have attained the age of 70 1/2 years. If the designated beneficiary is the member's surviving spouse and if the surviving spouse dies before the distribution of benefits commences, then Paragraph 1 shall be applied as if the surviving spouse were the member. If the designated beneficiary is a child of the member, for purposes of satisfying the requirement of Paragraph 1, any amount paid to such child shall be treated as if paid to the member's surviving spouse if such amount would become payable to such surviving spouse, if alive, upon the child's reaching age 18.

3. Paragraph 1 shall not apply if the distribution of the member's interest has commenced and is for a term certain over a period permitted in Subsection B.

C. If a survivor benefit is payable to a specified person or persons or if a benefit is payable at death under an option elected pursuant to R.S. 11:1932, the member shall be considered to have designated such person as a designated beneficiary hereunder. If there is more than one such person, then the oldest such person shall be considered to have been so designated, or, if none, then the oldest person entitled to receive a survivor benefit shall be considered to have been so designated. The designation of a designated beneficiary hereunder shall not prevent payment to multiple beneficiaries but shall only establish the permitted period of payments.

D. Distributions from the system shall be made in accordance with the requirements set forth in Internal Revenue Code Section 401(a)(9), including the minimum distribution incidental benefit rules applicable thereunder.

E.1. A member's benefits shall commence to be paid on or before the required beginning date.

2. The required beginning date shall be April 1 of the calendar year following the later of the calendar year in which the member attains 70 1/2 years of age, or the calendar year in which the employee retires.

F. The provisions of this Section shall be effective July 1, 1987.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 29:

#### **§103. Early Payment of Benefits**

A. In the event of plan termination, the benefit of any highly compensated employee including an active highly compensated employee and a former employee who was a highly compensated employee, is limited to a benefit that is nondiscriminatory under Internal Revenue Code, Section 401(a)(4) (see 26 U.S.C. 401 et seq.)

B.1. For plan years beginning on or after January 1, 1991, benefits distributed to any of the 25 most highly compensated active and former highly compensated employees are restricted such that the annual payments are no greater than an amount equal to the payment that would

be made on behalf of the employee under a single life annuity that is the actuarial equivalent of the sum of the employee's accrued benefit and the employee's other benefits under the plan.

2. Subsection A of this Section shall not apply if:

a. after the payment of the benefit to an employee described in Paragraph 1 of this Subsection, the value of plan assets equals or exceeds 110 percent of the value of current liabilities as defined in Internal Revenue Code Section 412(1)(7); or

b. the value of the benefits for an employee described above is less than 1 percent of the value of current liabilities.

3. For purposes of this Section, benefit includes loans in excess of the amount set forth in Internal Revenue Code Section 72(p)(2)(A), any periodic income, any withdrawal values payable to a living employee, and any death benefits not provided for by insurance on the employee's life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 29:

#### **§105. Compensation Limited**

A. In addition to other applicable limitations set forth in the plan, and notwithstanding any other provisions of the plan to the contrary, for plan years beginning on or after January 1, 1994, the annual compensation of each employee taken into account under the plan shall not exceed the Omnibus Budget Reconciliation Act of 1993 annual compensation limit. The Omnibus Budget Reconciliation Act of 1993 annual compensation limit is \$150,000, as adjusted by the commissioner of Internal Revenue for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code (see 26 U.S.C. 401 et seq.). The cost-of-living adjustment in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined (determination period) beginning in such calendar year. If a determination period consists of fewer than 12 months, the Omnibus Budget Reconciliation Act of 1993 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12.

B. For plan years beginning on or after January 1, 1994, any reference in this plan to the limitations under Internal Revenue Code Section 401(a)(17) shall mean the Omnibus Budget Reconciliation Act of 1993 annual compensation limit set forth in this Section.

C. If compensation for a prior determination period is taken into account in determining an employee's benefits accruing in the current plan year, the compensation for that prior determination period is subject to the Omnibus Budget Reconciliation Act of 1993 annual compensation limit in effect for that prior determination period. For this purpose, for determination periods beginning before the first day of the first plan year beginning on or after January 1, 1994, the Omnibus Budget Reconciliation Act of 1993 annual compensation limit is \$150,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 29:

### §107. Transfer of Benefits

A. This Section applies to distributions made on or after January 1, 1993. Notwithstanding any provisions of the plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to a retirement plan specified by the distributee in a direct rollover.

B. If a distribution is one to which Sections 401(a)(11) and 417 of the Internal Revenue Code (see 26 U.S.C. 401 et seq.) do not apply, such distribution may commence less than 30 days after the notice required under Section 1.411(a)-11(c) of the Federal Income Tax Regulations is given, provided that:

1. the plan administrator clearly informs the participant that the participant has a right to a period of at least 30 days after receiving the notice to consider the decision of whether or not to elect a distribution (and, if applicable, a particular distribution option); and

2. the participant, after receiving the notice, affirmatively elects a distribution.

C. The following definitions shall apply.

*Direct Rollover* means a payment by the plan to the eligible retirement plan specified by the distributee.

*Distributee* includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternative payee under a qualified domestic relations order, as defined in Internal Revenue Code Section 414(p), are *distributees* with regard to the interest of the spouse or former spouse.

*Eligible Retirement Plan* means an Individual Retirement Account described in Internal Revenue Code Section 408(a), an individual retirement annuity described in Section 408(b), an annuity plan described in Internal Revenue Code Section 403(a), or a qualified trust described in Internal Revenue Code Section 401(a), that accepts the distributee's eligible rollover distributions. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an Individual Retirement Account or individual retirement annuity.

*Eligible Rollover Distribution* means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

a. any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life, or life expectancy, of the distributee or the joint lives, or joint life expectancies, of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

b. any distribution to the extent such distribution is required under Internal Revenue Code Section 401(a)(9);

c. the portion of any distribution that is not includable in gross income, determined without regard to the exclusion for net unrealized appreciation with respect to employer securities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 29:

### §109. Computation of Retirement Benefits

A. This Section is intended to comply with Internal Revenue Code Section 415. It shall cover only those who become members for the first time on or after January 1, 1990, and those qualified participants for whom the benefit is increased after October 14, 1987, to the extent of the benefit increase after October 14, 1987, including cost-of-living adjustments on any such increase.

B. The normal retirement benefit of a member of Plan A shall not exceed the amount set forth in R.S. 11:1942, the normal retirement benefit of a member of Plan B shall not exceed the amount set forth in R.S. 11:1962, and the normal retirement benefit of a member of Plan C shall not exceed the amount set forth in R.S. 11:1972.

C.1. Qualified Participant shall mean a member of the system who first became a member before January 1, 1990. In the case of the merger of, or transfer of assets and benefits of a member or members from, another plan maintained by an employer which joins this system, the accrued benefit under such predecessor plan shall be the accrued benefit referred to above, and the member shall be considered a qualified participant if his participation in such predecessor or merged plan commenced on or before January 1, 1990.

2. All employers contributing to the system on behalf of their employees, and all employers who may join the system, as a condition of such joining, shall elect, and such election is hereby implemented, to have the limitations of Internal Revenue Code Section 415(b) other than Paragraph 2G thereof applied without regard to Paragraph 2F thereof, which limitations are set forth in Subsection D. Such limitations shall apply to all members who are not qualified participants as described herein and to qualified participants to the extent of the benefit increase after October 14, 1987, including cost-of-living adjustments on any such increase.

D. The retirement benefit of any member of the retirement system who is not a qualified participant, as defined in Paragraph C.1 and which is not attributable to the member's after-tax employee contribution, when expressed as an annual benefit may not exceed the lesser of \$90,000 per year or 100 percent of such member's average compensation for his highest three years. For purposes of determining whether a member's benefit exceeds this limitation, the following shall apply.

1. Adjustment If Benefit Not Single Life Annuity

a. If the normal form of benefit is other than a single life annuity, such form shall be adjusted actuarially to the equivalent of a single life annuity. This single life annuity shall not exceed the maximum dollar or percent limitations outlined above.

b. No adjustment is required for the following:

- i. qualified joint and survivor annuity benefits;
- ii. pre-retirement disability benefits;
- iii. pre-retirement death benefits.

2. Adjustment If Benefit Commences before Social Security Retirement Age. If benefit distribution commences before social security retirement age, the actual retirement benefit shall not exceed the lesser of 100 percent of the member's average compensation or the adjusted dollar limitation. The adjusted dollar limitation shall be the equivalent, determined in a manner consistent with reduction

of benefits for early retirement under the Social Security Act, of \$90,000 commencing at social security retirement age.

3. Adjustment If Benefit Commences after Social Security Retirement Age. If benefit distribution commences after social security retirement age, the dollar limitation shall be increased to the equivalent of \$90,000 commencing at social security retirement age.

4. Social Security Retirement Age Defined. For purposes of this Subsection, the term *social security retirement age* means the age used as the retirement age under 42 U.S.C.A. §416(l) of the Social Security Act, except that such section shall be applied:

- a. without regard to the age increase factor; and
- b. as if the early retirement age under Section 416(l)(2) of such Act were 62.

5. Interest Assumption. The interest rate used for adjusting the maximum limitations above shall be:

- a. for benefits commencing before social security retirement age and for forms of benefit other than straight life annuity, the greater of:
  - i. 5 percent; or
  - ii. the rate used to determine actuarial equivalence for other purposes of this retirement system;
- b. for benefits commencing after social security retirement age, the lesser of:
  - i. 5 percent; or
  - ii. the rate used to determine actuarial equivalence for other purposes under this retirement system.

6. Adjustment for Less than 10 Years of Participation or Service

a. If retirement benefits are payable under this retirement system to a member who has less than 10 years of participation in the retirement system, the dollar limitation referred to in the first Paragraph of this Subsection (\$90,000) will be multiplied by a fraction, the numerator of which is the member's number of years of participation in the system (not greater than 10), and the denominator of which is 10.

b. If retirement benefits are payable under this retirement system to a member who has less than 10 years of service with the employer, the percentage limitation referred to in the first Paragraph of this Subsection (100 percent of compensation) and the dollar limitation referred to in Paragraph 9 below (\$10,000) will be multiplied by a fraction, the numerator of which is the member's number of years of service with the employer (not greater than 10) and the denominator of which is 10.

7. Annual Adjustment. The \$90,000 limitation provided in this Subsection shall be adjusted annually to the maximum dollar limits allowable by the secretary of the Treasury of the United States under Internal Revenue Code Section 415(d), such adjustments not to take effect until the first day of the fiscal year following December 31, 1987. The adjustment shall not exceed the adjustment in effect for the calendar year in which the fiscal year of the system begins. The adjusted earlier limitation is applicable to employees who are members of the system and to members who have retired or otherwise terminated their service under the system with a nonforfeitable right to accrued benefits, regardless of whether they have actually begun to receive benefits. This system shall be considered specifically to provide for such post-retirement adjustments. For any

limitation year beginning after separation from service occurs, the annual adjustment factor is a fraction, the numerator of which is the adjusted dollar limitation for the limitation year in which the compensation limitation is being adjusted and the denominator of which is the adjusted dollar limitation for the limitation year in which the member separated from service. No adjustment shall be permitted with respect to limitations applicable after October 14, 1987.

8. Member or Participant in More than One Plan. If a member is a member or participant in more than one defined benefit pension plan maintained by the state, its agencies, or its political subdivisions, then such member's benefit, considered in the aggregate after taking into account the benefits provided by all such retirement plans, shall not exceed the limits provided in this Subsection.

9. Total Annual Benefits Not in Excess of \$10,000. Notwithstanding the preceding provisions of this Subsection, the benefits payable with respect to a participant under any defined benefit plan shall be deemed not to exceed the limitations of this Subsection if:

- a. the retirement benefits payable with respect to such participant under such plan and under all other defined benefit plans of the employer do not exceed \$10,000 for the plan year, or for any prior plan year; and
- b. the employer has not at any time maintained a defined contribution plan in which the participant participated.

10. Average Compensation

a. For purposes of R.S. 11:1942, 1962, and 1972, average compensation shall include any amounts properly considered as the regular rate of pay of the member, as defined in R.S. 11:231 and unreduced by amounts excluded from income for federal income tax purposes by reason of 26 U.S.C.A. 125, 414(h), or 457 or any other provision of federal law of similar effect.

b. For purposes of Subsection D, average compensation shall include total compensation payable by the employer and included in the employee's income for federal income tax purposes and shall exclude amounts not includable in the member's gross income by reason of 26 U.S.C.A. §§125, 414(h) and 457 or any other provision of federal law. A member's highest three years shall be the period of consecutive calendar years (not more than three) during which the member both was an active participant in the plan and had the greatest aggregate compensation from the employer.

11. Benefit Limitations at Age 62

a. Where a retirement benefit is provided at or after age 62 years, but prior to the member's social security retirement age, then the benefit as limited by the provisions of this Section shall not exceed an annual benefit of \$90,000 reduced by:

- i. for a member whose social security retirement age is 65, five-ninths of one percent for each month by which benefits commence before the month in which the member attains age 65;
- ii. for a member whose social security retirement age is greater than 65, five-ninths of one percent for each of the first 36 months and five-twelfths of one percent for each of the additional months, up to 24 months, by which benefits commence before the month in which the member attains social security retirement age.

b. If the benefit begins before age 62, the benefit shall be limited to the actuarial equivalent of the member's limitation for benefits commencing at age 62 years, with the reduced dollar limitation for such benefits further reduced for each month by which benefits commence before the month in which the member attains age 62 years. In order to determine actuarial equivalence for this purpose, the interest rate assumption used by the plan may not be less than the greater of 5 percent or the rate specified in the plan for determining actuarial equivalence for early retirement. Social Security retirement age is age 65 years, if the member was born before January 1, 1938; age 66 years, if born before January 1, 1955; and age 67, if born after December 31, 1954.

12. Treasury Regulation Applicable. That portion of the benefit designated herein which is attributable to member contributions shall be determined in accordance with Treasury Regulations §1.415-3(d)(1).

E. The provisions of this Section shall apply if any member is covered, or has ever been covered, by another plan maintained by the employer, including a qualified plan, or a welfare benefit fund, as defined in Internal Revenue Code Section 419(e), or an individual medical account, as defined in Internal Revenue Code Section 415(1)(2), which provides an annual addition as described in Paragraph 5 of this Subsection.

1. If a member is, or has ever been, covered under more than one defined benefit plan maintained by the employer, the sum of the member's annual benefits from all such plans shall not exceed the maximum permissible amount set forth in Subsection D of this Section.

2. If the employer maintains or at any time maintained, one or more qualified defined contribution plans covering any member in this system, a welfare benefit fund, as defined in Internal Revenue Code Section 419(e), or an individual medical account as defined in Internal Revenue Code Section 415(1)(2), the sum of the member's defined contribution fraction and defined benefit fraction shall not exceed 1.0 in any limitation year, and the annual benefit otherwise payable to the member under this system shall be limited in order to satisfy such limitation.

3.a. *Defined Benefit Fraction* shall mean a fraction, the numerator of which is the sum of the member's projected annual benefits under all of the defined benefit plans, whether or not terminated, maintained by the employer, and the denominator of which is the lesser of 125 percent of the dollar limitation determined for the limitation year under Internal Revenue Code Sections 415(b) and (d) and in accordance with Subsection D of this Section or 140 percent of the highest average compensation, including any adjustments under Internal Revenue Code Section 415(b).

b. Notwithstanding the provisions of Subparagraph 3.a of this Paragraph, if the member was a member as of the first day of the first limitation year beginning after December 31, 1986, in one or more defined benefit plans maintained by the employer which were in existence on May 6, 1986, the denominator of this fraction shall not be less than 125 percent of the sum of the annual benefits under such plans which the member had accrued as of the close of the last limitation year beginning before January 1, 1987, disregarding any changes in the terms and conditions of the plans after May 5, 1986. The preceding sentence applies

only if the defined benefit plans individually and in the aggregate satisfied the requirements of Internal Revenue Code Section 415 for all limitation years beginning before January 1, 1987.

4.a. *Defined Contribution Fraction* shall mean a fraction, the numerator of which is the sum of the annual additions to the member's account under all of the defined contribution plans, whether or not terminated, maintained by the employer for the current and all prior limitation years, including the annual additions attributable to the member's nondeductible employee contributions to this and all other defined benefit plans maintained by the employer whether or not terminated and the annual additions attributable to all welfare benefit funds, as defined in Internal Revenue Code Section 419(e) or individual medical accounts, as defined in Internal Revenue Code Section 415(1)(2) that are maintained by the employer, and the denominator of which is the sums of the maximum aggregate amounts for the current and all prior limitation years of service with the employer, regardless of whether a defined contribution plan was maintained by the employer. The maximum aggregate amount in any limitation year is the lesser of 125 percent of the dollar limitation determined under Internal Revenue Code Sections 415(b) and (d) of the Internal Revenue Code in effect under Internal Revenue Code Section 415(c)(1)(A) or 35 percent of the member's compensation for such year.

b. If a member is, or ever has been covered under more than one defined contribution plan maintained by the employer, the sum of the member's annual additions to all such plans for each limitation year shall not exceed the maximum permissible amount and shall be taken into account for purposes of determining the defined benefit fraction.

c. If the employee was a member as of the first day of the first limitation year beginning after December 31, 1986, in one or more defined contribution plans maintained by the employer which were in existence on May 6, 1986, the numerator of this fraction shall be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this plan. Under the adjustment, an amount equal to the product of the excess of the sum of the fraction over 1.0 times the denominator of this fraction, shall be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the end of the last limitation year beginning before January 1, 1987, and disregarding any changes in the terms and conditions of the plans made after May 5, 1986, but using the limitation provided in Internal Revenue Code Section 415 made applicable to the first limitation year beginning on or after January 1, 1987.

d. The annual addition for any limitation year beginning before January 1, 1987, shall not be recomputed to treat all employee contributions as annual additions.

5.a. *Annual Additions* of a member for the limitation year shall mean the sum of the following amounts credited to a member's account for the limitation year:

- i. employer contributions;
- ii. employee contributions;
- iii. forfeitures.

b. Amounts allocated to an individual medical account, as defined in Internal Revenue Code Section



415(l)(2), which is a part of a pension or annuity plan maintained by the employer, are treated as annual additions to a defined contribution plan. Additionally, amounts derived from contributions paid or accrued after December 31, 1985, in taxable years ending after such date, which are attributable to post-retirement medical benefits allocated to the separated account of a key employee, as defined in Internal Revenue Code Section 419A(d)(3), or under a welfare benefit fund, as defined in Internal Revenue Code Section 419(e), maintained by the employer, are treated as annual additions to a defined contribution plan.

c. Until such time as employee contributions become picked up pursuant to Internal Revenue Code Section 414(h)(2), the employee contribution shall be deemed to be a defined contribution plan, and the defined contribution plan fraction shall apply to limit contributions and benefits under this Section. If a member has made nondeductible employee contributions pursuant to the provisions of this system, the amount of such contributions shall be treated as an annual addition to a qualified defined contribution plan, for purposes of this Section.

6. The amount of annual additions which may be credited to the member's account for any limitation year shall not exceed the maximum permissible amount. Contributions and benefits under any other plan of the employer, to the extent that an adjustment is required to satisfy the requirements of this Section in the aggregate, shall be limited or reduced to the extent necessary to satisfy such requirement without reducing accrued benefits; however, only after such other plans have been modified shall the benefits and contributions under this plan be reduced. As soon as it is administratively feasible after the end of the limitation year, the maximum permissible amount for the limitation year shall be determined on the basis of the member's actual compensation for the limitation year. If there is an excess amount, the excess shall be disposed of as follows.

a. Any nondeductible voluntary employee contribution, to the extent it would reduce the excess amount, shall be returned to the member.

b. If after the application of Subparagraph a of this Paragraph, an excess amount still exists, then any nondeductible mandatory contribution to the extent it would reduce the excess amount, shall be returned to the member.

c. If after the application of Subparagraph b of this Paragraph, an excess amount still exists, and the member is covered by the plan at the end of the limitation year, the excess amount in the member's account shall be used to reduce employer contributions, including any allocation of forfeitures, for such member in the next limitation year if necessary.

d. If after the application of Subparagraph b of this Paragraph, an excess amount still exists, and the member is not covered by the plan at the end of the limitation year, the excess amount shall be held unallocated in a suspense account. The suspense account shall be applied to reduce future employer contributions for all remaining members in

the next limitation year, and each succeeding limitation year if necessary.

e. If a suspense account is in existence at any time during a limitation year pursuant to the provisions of this Section, it shall not participate in the allocation of the trust's investment gains and losses. If a suspense account is in existence at any time during a particular limitation year, all amounts in the suspense account shall be allocated and reallocated to members' accounts before any employer or any employee contributions may be made to the plan for that limitation year. Excess amounts shall not be distributed to members or former members.

7. *Excess Amount* of a member for a limitation year shall mean the excess of the member's annual additions for the limitation year over the maximum permissible amount.

8. The *Limitation Year* shall be the calendar year, or the 12 consecutive month period elected by the employer hereunder.

9.a. The Maximum Permissible Amount for a member for a limitation year shall be the maximum annual addition that may be contributed or allocated to a member's account under the plan for any limitation year and shall not exceed the lesser of:

- i. the defined contribution dollar limitation;
- ii. 25 percent of the member's compensation for the limitation year.

b. The compensation limitation provided for in Clause 9.a.ii. of Subparagraph a of this Paragraph, shall not apply to any contribution for medical benefits, within the meaning of Internal Revenue Code Sections 401(h) or 419A(f)(2), which is otherwise treated as an annual addition pursuant to Internal Revenue Code Sections 415(l) or 419A(d)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 29:

#### **Family Impact Statement**

The proposed adoption of LAC 58:XI.101-105, regarding Internal Revenue Code provisions applicable to the Parochial Employees' Retirement System, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; or
6. the ability of the family or a local government to perform the function as contained in the proposed Rules.

Any interested person may submit written data, views, arguments or comments regarding these proposed rules to Dainna S. Tully, Assistant Director, Parochial Employees'

Retirement System by mail to P.O. Box 14619, Baton Rouge, LA 70898-4619. All comments must be received no later than 4:30 p.m., September 10, 2003.

Thomas B. Sims  
Administrative Director  
and  
Dainna S. Tully  
Assistant Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Internal Revenue Code Provisions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There will be no net estimated implementation costs or savings to state or local governmental units. R.S. 11:1931 requires that provisions relating to the tax-qualification status of the Parochial Employees' Retirement System be contained in

rules and regulations. Previously, these rules were contained in repealed R.S. 11:1930, 1930.1, 1930.2, 1930.3 and amended and reenacted R.S. 11:1931, all of which are now adopted in these Rules and Regulations without any change.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There will be no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no estimated effect on competition or employment.

Dainna S. Tully  
Assistant Director  
0308#039

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Horticulture Commission

#### Landscape Architect Registration Exam

The next landscape architect registration examination will be given December 8-9, 2003, beginning at 7:45 a.m. at the College of Design Building, Louisiana State University Campus, Baton Rouge, Louisiana. The deadline for sending the application and fee is as follows.

New Candidates:	September 5, 2003
Re-Take Candidates:	September 19, 2003
Reciprocity Candidates:	November 14, 2003

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, P.O. Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to September 5, 2003. Questions may be directed to (225) 952-8100.

Bob Odom  
Commissioner

0308#102

## POTPOURRI

### Department of Agriculture and Forestry Horticulture Commission

#### Retail Floristry Examination

The next retail floristry examinations will be given October 20-24, 2003, 9:30 a.m. at the 4-H Mini Farm Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending in application and fee is September 5, 2003. No applications will be accepted after September 5, 2003.

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to September 5, 2003. Questions may be directed to (225) 952-8100.

Bob Odom  
Commissioner

0308#103

## POTPOURRI

### Department of Agriculture and Forestry Livestock Sanitary Board

#### Imposition of Quarantine

In accordance with the provisions of LA R. S. 3:2094, R. S. 3:2095, and R. S. 3:2097 the Louisiana State Livestock Sanitary Board hereby modifies the Chronic Wasting Disease quarantine issued by it on April 30, 2002 and published in *Volume 28, Number 5*, page 1114 of the *Louisiana Register* on May 20, 2002.

The quarantine is being modified to bring it into substantial conformity with HB 1797 of the 2003 Regular Session. Although HB 1797 did not become law it was enrolled and, therefore, expresses the will of the legislature in regards to entry requirements of cervid species into Louisiana. While this quarantine substantially complies with HB 1797, any deviation is in favor of more restrictive entry requirements.

#### I. Facts Supporting Quarantine

Chronic Wasting Disease, (CWD), now infects deer and elk herds in eight states of the United States and in the Canadian province of Saskatchewan. It affects elk, white-tailed deer, black-tailed deer, mule deer and red deer. CWD is a neurodegenerative disease that is related to other spongiform encephalopathies such as Bovine Spongiform Encephalopathy, (Mad Cow Disease), in cattle and Scrapie in sheep. CWD appears to have a one hundred percent mortality rate. There is no known cure for CWD. The means by which CWD is transmitted is not known at this time, although animal to animal contact appears to be a transmittal method. The disease is very resistant and may be able to live outside an animal for an extended period of time. Although CWD appears to be limited to deer and elk, and is not known to be capable of being transmitted to cattle or other livestock, the disease is so poorly understood that it may pose a risk to other livestock.

In 2001, the United States Department of Agriculture declared a state of emergency in regard to CWD. Other states, such as Texas and Florida, have prohibited the importation of deer and elk. The cost of monitoring and controlling CWD has reached or exceeded \$1,000,000 in some states.

This state has approximately 135 alternative livestock farms that raise imported exotic deer and imported exotic antelope, elk and farm-raised white-tailed deer. The alternative livestock industry in Louisiana is growing and is becoming an important part of the Louisiana agricultural industry. The alternative livestock industry generates an economic impact in Louisiana of over \$30,000,000.

For these reasons CWD presents an imminent peril to the public health, safety and welfare, as well as an imminent peril to Louisiana's livestock. As a result of this imminent peril, the Louisiana State Livestock Sanitary Board hereby exercises its plenary power to deal with all contagious and infectious diseases of animals and declares this quarantine to prevent the introduction of CWD into Louisiana.

## II. Objectives of Quarantine

The objectives of this quarantine are:

1. to isolate Louisiana livestock from contact with alternative livestock from other states that are not certified as being free from CWD; and
2. to prevent the spread of CWD into the state of Louisiana.

## III. Geographical Area of Quarantine

The geographical area of this quarantine is the entire state of Louisiana.

## IV. Quarantine Provisions

A.1. No person shall import into the state any black-tailed deer, white-tailed deer, red deer, mule deer, elk, or any animal of any cervid species that has been determined to be susceptible to Chronic Wasting Disease except in accordance with the provisions of this quarantine.

2. A cervid species is hereby declared to be susceptible to Chronic Wasting Disease when any animal of that species has been diagnosed with Chronic Wasting Disease and that diagnosis has been confirmed by means of an official test conducted by a laboratory approved by the United States Department of Agriculture, Animal Plant Health Inspection Service.

B. All persons who seek to import any animal of any cervid species listed in Subsection A must obtain written authority to do so from the Commissioner of Agriculture and Forestry, (commissioner) or his designee. All applications for importation shall be made in writing to the Department of Agriculture and Forestry and shall provide all information that the department deems necessary or appropriate. The application shall, at a minimum, provide the following information:

1. the name, physical address, and telephone number of the applicant;
2. the number of animals to be imported;
3. the species of each animal listed on the application;
4. the name, physical address, and telephone number of the current owner of the animals;
5. the name, physical address, and telephone number of the purchaser of the animals;
6. the name, physical address, and telephone number of the person who will transport the animals;
7. the current physical location of the animals;
8. the physical location of the animals' destination;
9. the herd of origin;
10. the herd destination;
11. a minimum of two permanent identifiers acceptable to the Department, including but not limited to a legible tattoo, United States Department of Agriculture approved ear tag, or microchip;
12. a certificate of veterinary inspection completed by an accredited veterinarian within the preceding thirty days.

C. No animal from any of the species listed in Subsection A shall be allowed into the state unless the animal's herd of origin meets the following criteria.

1. If the herd of origin is located in a state where Chronic Wasting Disease has not been identified in any cervid species, the herd of origin shall have participated in a complete herd certification program for a minimum of three years.

2. If the herd of origin is located within a state where Chronic Wasting Disease has been identified in any cervid species, the herd of origin shall have participated in a complete herd certification program for a minimum of five years.

3. Each complete herd certification program must have been established by or certified by the state in which the herd of origin is located and must be acceptable to the commissioner.

D. A complete herd certification program established by or certified by another state shall be acceptable for purposes of this Section if such a program meets the following criteria.

1. The perimeter fencing requirements shall be adequate to prevent ingress or egress to or from the enclosure.

2. All animals of the species listed in Subsection A which are over sixteen months of age and die are tested for Chronic Wasting Disease.

3. A quality sampling program that authorizes state and federal officials to adjust herd status if there are poor quality samples routinely submitted from a premise.

4. The physical herd is inventoried with annual verification reconciling animals and identification with records by an accredited veterinarian or state or federal personnel, including a cross check of all animal identifications with the herd inventory and specific information on the disposition of all animals not present at the time of the annual verification.

5. Identification of premise locations by global positioning system or by a detailed property description.

6. Herd certification status may be adjusted for addition of animals to the herd from other herds or from contact with animals of other herds in the following manner.

a. Additions from herds with equal or greater time in a herd certification program shall have no negative impact on the certification status of the receiving herd.

b. Additions from a herd with a later date of enrollment in a herd certification program shall cause the receiving herd to revert to the enrollment date of the sending herd.

c. Additions from a herd that does not participate in a herd certification program shall cause the receiving herd to start over with a new enrollment date based upon the date the additions were placed with the herd.

d. The status of a new herd shall be based upon the lowest status of any animal initially used to start the herd.

e. Animals of different status are commingled during marketing or transport shall revert to the lowest status of any animal commingled.

7. Chronic Wasting Disease is a reportable disease, and an immediate quarantine shall be imposed on a herd and premises when Chronic Wasting Disease is confirmed in an animal that is or had been in the herd or on the premises.

8. Animal health officials in charge of the herd certification programs have access to herd records, including records of deaths and causes of death, for three years in states where Chronic Wasting Disease has not been identified and five years in states where Chronic Wasting Disease has been identified.

E. Notwithstanding any other provision of this Section or of any other law to the contrary, the commissioner shall have the power to issue, in the name of the Livestock Sanitary Board, an order imposing a more specific or restrictive quarantine on the importation of any cervid species from any or all locations outside the state, as he deems necessary to prevent the introduction of Chronic Wasting Disease into the state. The commissioner may place such conditions and restrictions on the quarantine, as he deems necessary to carry out the purpose of the quarantine. The commissioner shall have the power to lift or modify any quarantine imposed by him at any time he finds such action appropriate. Any order of the commissioner imposing, lifting, or modifying a quarantine shall be promulgated under the emergency provisions of the Administrative Procedure Act and published in the *Louisiana Register* as soon as possible. Any such quarantine shall remain in full force and effect until lifted or modified by the commissioner unless such quarantine is lifted or modified by this Board at its next meeting after the issuance of the quarantine.

F. The provisions of the quarantine are in addition to any other provisions in Title 3 of Revised Statutes and to any provisions established by Rules and regulations adopted pursuant to Title 3 of the Revised Statutes.

G. Any violation of this quarantine or of any quarantine issued by the commissioner shall be subject to any or all of the penalties authorized by R.S. 3:2093(7); R.S. 3:2096, or R.S. 3:2097.

**V. Time Limit**

This quarantine shall remain in effect until rescinded by written order of this board. Authorization from the commissioner or his designee(s) to do any of the prohibited acts, whether in whole or in part, shall not be construed as a rescission, or modification of this quarantine.

**VI. Date of Adoption**

This quarantine was adopted by the Louisiana State Livestock Sanitary Board and signed this 24th day of July, 2003 at Baton Rouge, Louisiana.

Bob Odom  
Chairman

0308#023

**POTPOURRI**

**Department of Labor  
Office of Workers' Compensation**

**Average Weekly Wage Rate**

Pursuant to Act 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which the maximum workers' compensation weekly benefit amount will be based, effective September 1, 2003, has been determined by the Department of Labor to be \$572.53.

Dawn Romero Watson  
Secretary

0308#015

**POTPOURRI**

**Department of Labor  
Office of Workers' Compensation**

**Weekly Workers' Compensation Benefit Limits**

Pursuant to R.S. 23:1202 and based on the statewide average weekly wage as determined by the Department of Labor, the following limits shall apply to weekly workers' compensation benefits for workers' compensation claimants injured during the period September 1, 2003 through August 31, 2004.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$572.53	\$429.00	\$114.00	\$00.32 per mile

Dawn Romero Watson  
Secretary

0308#014

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Orphaned Oilfield Sites

Operator	Field	District	Well Name	Well Number	Serial Number
F. T. Smith Jr.	West Gueydan	L	Myrtle E. Smith	1	103173
Lion Oil Refining Co.	Wildcat	M	Goodpine Oil Co.	1	025449
Thor Max Operating, Inc.	Longwood	S	Brinkman A	1	221534
S&S Williams, Inc.	Tullos Urania	M	Tullos D	1	009440
S&S Williams, Inc.	Tullos Urania	M	Russell-Stenco	1	022124
S&S Williams, Inc.	Tullos Urania	M	King Estate	1	036183
S&S Williams, Inc.	Tullos Urania	M	Arizola Petroleum Co. SWD.	11	036520
S&S Williams, Inc.	Tullos Urania	M	King Estate	2	037468
S&S Williams, Inc.	Tullos Urania	M	Rushe Dunn SWD.	1	045783
S&S Williams, Inc.	Tullos Urania	M	M. Doughty Estate	1	069546
S&S Williams, Inc.	Tullos Urania	M	Russell Spillers	4	070345
S&S Williams, Inc.	Tullos Urania	M	Arizola Petroleum Co.	12	076089
S&S Williams, Inc.	Tullos Urania	M	Arizola Petroleum Co.	13	072055
S&S Williams, Inc.	Tullos Urania	M	Williams	1	072056
S&S Williams, Inc.	Tullos Urania	M	C. C. Wright	1	072513
S&S Williams, Inc.	Tullos Urania	M	M. Doughty Estate	2	075498
S&S Williams, Inc.	Tullos Urania	M	Mrs. Alonzo Doughty	2	076082
S&S Williams, Inc.	Tullos Urania	M	Russell-Stenco	2	076083
S&S Williams, Inc.	Tullos Urania	M	Arizola Petroleum Co.	14	084660
S&S Williams, Inc.	Tullos Urania	M	Arizola Petroleum Co.	15	084661
S&S Williams, Inc.	Tullos Urania	M	Jo Anna Russell	3	086011
S&S Williams, Inc.	Tullos Urania	M	C. C. Wright	2	088202
S&S Williams, Inc.	Tullos Urania	M	C. C. Wright	3	097054
S&S Williams, Inc.	Tullos Urania	M	C. C. Wright	4	098663
S&S Williams, Inc.	Tullos Urania	M	H. H. Russell	1	103028
S&S Williams, Inc.	Tullos Urania	M	H. H. Russell	2	104677
S&S Williams, Inc.	Tullos Urania	M	Russell	1	108409
S&S Williams, Inc.	Tullos Urania	M	Russell	2	108804
S&S Williams, Inc.	Tullos Urania	M	Russell Swd	3	109722
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