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Executive Orders

EXECUTIVE ORDER KBB 04-16

Vice-Chair of the Board of Parole

WHEREAS, Executive Order No. KBB 2004-7, issued on May 14, 2004, rescinded the position of Vice-chair within the Board of Parole (hereafter "the Board") as directed in Executive Order No. MJF 97-17, issued on March 11, 1997;

WHEREAS, the Board, created within the Department of Public Safety and Corrections by R.S. 15:574.2, consists of seven (7) members appointed by and serving at the pleasure of the Governor;

WHEREAS, R.S. 15:574.2(A)(1) only provides for the position of Chairman of the Board (hereafter "Chair"); and

WHEREAS, in order for the Board to function more effectively, it is again necessary to create a position of Vice-chair;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The position of Vice-chair of the Board of Parole is hereby created. The Governor shall select the Vice-chair from its membership.

SECTION 2: The Vice-chair shall not receive any compensation in addition or supplemental to the annual salary for members of the Board set forth in R.S. 15:574.2 (A)(3).

SECTION 3: The Vice-chair shall preside in the absence of the Chair and shall, in addition to such other duties assigned by the Governor, be responsible for developing and administering the schedule of parole hearings in accordance with R.S. 15:574.4(B)(1), and preparing for the Board, for its adoption, such rules, regulations, and procedures deemed necessary and proper to facilitate the effective operation of the Board.

SECTION 4: The Chair and the Vice-chair shall work with the Governor's Executive Counsel and Assistant Executive Counsel in accomplishing the duties set forth in Section 3 of this Order.

SECTION 5: Executive Order No. KBB 2004-7, issued on May 14, 2004, is rescinded.

SECTION 6: The provisions of this Order are effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.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 2nd day of July, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0408#096

EXECUTIVE ORDER KBB 04-17

Call of Meetings of State Mineral Board

WHEREAS, the State Mineral Board, created and established by Act No. 93 of the 1936 Regular Legislative Session, R.S. 30:121 et seq., meets at the call of the governor pursuant to the provisions of R.S. 30:123; and

WHEREAS, the customary meeting schedule for the State Mineral Board is impracticable at times, due to holidays, special events, and/or special circumstances;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The regular scheduled meetings of the State Mineral Board (hereafter "Board") shall be held on the second Wednesday of each month for the granting of oil, gas, and mineral leases, and such other business as may properly come before the Board.

SECTION 2: Upon obtaining the approval of the Board, the chair of the Board is authorized to issue for the governor the call of a meeting of the Board scheduled for a date other than the second Wednesday of a month, when a meeting on the second Wednesday is impracticable because a holiday or other special event falls on that date.

SECTION 3: Upon obtaining the approval of the Board, the chair of the Board is authorized to issue for the governor the call of a meeting of the Board that is in addition to the board's monthly meeting, when special circumstances necessitate that an additional meeting be held.

SECTION 4: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Board in implementing the provisions of this Order.

SECTION 5: This Order is effective upon signature and shall continue 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 2nd day of July, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0408#020

EXECUTIVE ORDER KBB 04-18

Authorization to Chair of State Mineral Board to Sign Certain Documents on Governor's Behalf

WHEREAS, the State Mineral Board (hereafter "Board"), created by Act No. 93 of the 1936 Regular Session and continued through R.S. 30:121 et seq., is authorized through R.S. 30:124 to lease for development and production of minerals, oil, and gas the lands belonging to the state of Louisiana and the lands to which title is held in the public, including road beds, water bottoms, and lands adjudicated to the state at tax sale;

WHEREAS, pursuant to R.S. 30:129, the Board has full supervision of all mineral leases granted by the state of Louisiana, and the general authority to take any action for the protection of the interests of the state, institute actions to annul a lease upon any legal ground, and enter into agreements and amend leases;

WHEREAS, R.S. 30:128 expressly prohibits and provides penalties for the transfer or assignment of any lease of minerals or mineral rights owned by the state of Louisiana without the Board's approval; and

WHEREAS, prior to the creation of the Board, certain state leases and other agreements pertaining to the development and production of mineral, oil, and gas were executed on behalf of the state of Louisiana by the Governor and, therefore, those leases and agreements contain language which require the signature of the Governor prior to any transfer of interests therein;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: As to those documents presented to the Board, pursuant to R.S. 30:128, for approval of the right to transfer or assign a lease of minerals or mineral rights owned by the state of Louisiana which require the signature of the Governor prior to any transfer of interests therein, and which the Board has approved the transfer or assignment, the chair of the Board is authorized and directed to sign the document on behalf of the Governor.

SECTION 2: This Order is effective upon signature and shall continue 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 2nd day of July, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0408#021

EXECUTIVE ORDER KBB 04-19

Office of Abstinence Education Louisiana Abstinence Education Project Governor's Program on Abstinence

WHEREAS, the economic development of the state of Louisiana depends on a healthy, educated, and job-ready workforce;

WHEREAS, the citizens of the state of Louisiana face many challenges, including rates of teenage pregnancy and sexually transmitted diseases that rank above the national average, which hinder our ability to prepare our youth for the opportunities of the future;

WHEREAS, the encouragement of abstinence education programs throughout the state, with special emphasis in those areas with elevated rates of sexually transmitted diseases and/or premarital pregnancies among teenagers, will support the youth of this state in creating a culture that promotes sexual abstinence prior to marriage; and

WHEREAS, through a program established pursuant to Title V of the Social Security Act, as provided in 42 U.S.C. §710, states may apply for allotments from the federal government, through the secretary of the United States Department of Health and Human Services, to enable the state to provide abstinence education and to provide appropriate mentoring, counseling, and adult supervision to youths to promote abstinence from premarital sexual activity, focusing on those groups which have a higher premarital pregnancy rate;

WHEREAS, the interests of the citizens of the state of Louisiana would best be served by the continuance of the Office of Abstinence Education which will create new and continue existing programs throughout the state, to bring age-appropriate, medically sound information in a manner that educates, encourages, and supports the youth regarding the benefit of sexual abstinence;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1 The Office of Abstinence Education Louisiana Abstinence Education Project Governor's Program on Abstinence (hereafter "Office of Abstinence Education") is reestablished and recreated within the executive department, Office of

Community Programs, Office of the Governor, with federal funding through the Department of Health and Hospitals;

SECTION 2: The goals of the Office of Abstinence Education shall include, but are not limited to, the following:

A. Reducing the incidence of premarital sexual activity among the youth of Louisiana;

B. Reducing the rate of sexually transmitted diseases among the youth of Louisiana; and

C. Lowering the premarital pregnancy rate among the youth of Louisiana.

SECTION 3: The duties of the Office of Abstinence Education shall include, but are not limited to, the following:

A. Applying for and receiving funding for the development and administration of the Office of Abstinence Education from public and private sources including, but not limited to, funding and allotments available pursuant to 42 U.S.C. §710;

B. Establishing and administering community-based abstinence education programs statewide with an emphasis in those communities with elevated rates of premarital pregnancies and/or sexually transmitted diseases;

C. Providing youths with medically accurate and age-appropriate family life education and skills which emphasize abstinence from sexual activity;

D. Providing parents with family life education and skills which emphasize and support their role as the primary educator of family values;

E. Promoting among youths community awareness of the dangers of premarital sexual activity for the purpose of encouraging a more socially acceptable dialogue between youths and adults about abstinence from sexual activity; and

F. Promoting character qualities and human skills that are beneficial to marriage and to raising responsible and productive children.

SECTION 4: As used in this Order, "abstinence education" is defined in accordance with 42 U.S.C. §710(b)(2). "Abstinence education" means an education or motivational program which:

A. Has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;

B. Teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;

C. Teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;

D. Teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity;

E. Teaches that sexually activity outside of the context of marriage is likely to have harmful psychological and physical effects;

F. Teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents, and society;

G. Teaches young people how to reject sexual advances, and how alcohol and drug use increases vulnerability to sexual advances; and

H. Teaches the importance of attaining self-sufficiency before engaging in sexual activity.

SECTION 5:

A. The Office of Abstinence Education shall be directed by a director/state coordinator who shall be appointed by, and serve at the pleasure of, the governor. The director/state coordinator shall be responsible for administering, overseeing, and evaluating the programs of the Office of Abstinence Education in a manner which facilitates the accomplishment of the project's goals, as set forth in Section 2 of this Order, and its duties, as defined in Section 3 of this Order.

B. The director/state coordinator shall submit an annual comprehensive report to the governor, by January 1, which addresses the fulfillment of the Office of Abstinence Education's goals, as set forth in Section 2 of this Order, and its duties, as defined in Section 3 of this Order. Annual reports shall include all relevant comparative data and information relating to the effectiveness of the Office of Abstinence Education to the abstinence education projects and/or programs of other states.

SECTION 6: The office of the director/state coordinator of the Office of Abstinence Education shall be located in, and operated from, a state-owned facility. The Office of Abstinence Education shall be permitted staff and resources to fulfill the goals, duties, and responsibilities specified in this Order. It shall be permitted to accept the efforts of volunteers in accordance with state law.

SECTION 7: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Office of Abstinence Education in implementing the provisions of this Order.

SECTION 8: Upon signature of this Order, the provisions of this Order shall be effective retroactive to January 12, 2004. This Order 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 2nd day of August, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0408#022

Emergency Rules

DECLARATION OF EMERGENCY

**Economic Development
Office of the Secretary
and
Office of the Governor
Office of Financial Institutions
Office of the Commissioner**

Capital Companies Tax Credit Program
Qualified Technology Funds
(LAC 10:XV.331)

The Louisiana Department of Economic Development, Office of the Secretary, pursuant to the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), adopts the following amendment to the rules of the Capital Companies Tax Credit Program as authorized by R.S. 51:1929. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall become effective July 19, 2004, and shall remaining effect for the maximum period allowed under the Act, or until the adoption of a permanent Rule, whichever occurs first.

The Department of Economic Development, Office of the Secretary, has found an immediate need to provide rules regarding the formation and regulation of "qualified technology funds" to provide for the expeditious formation of such funds to direct investment capital into "qualified Louisiana-based technology businesses. Without these Emergency Rules the public welfare may be harmed as a result of a reduction of capital available to be invested in qualified Louisiana technology-based businesses.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES, AND UCC

Part XV. Other Regulated Entities

Chapter 3. Capital Companies Tax Credit Program

§331. Qualified Technology Funds

A. An applicant seeking designation as a qualified technology fund shall provide to the Secretary the following information along with the request for this designation:

1. the charter documents for the entity that will constitute the qualified technology fund;
2. copies of any management agreements to which the qualified technology fund contemplates being a party, and a description of any contemplated comparable arrangement;
3. a reasonably detailed description of how the qualified technology fund meets and will continue to meet the criteria of R.S. 51:1923(16);
4. a copy of the qualified technology fund's investment policy;
5. evidence in form and substance acceptable to the secretary by which the qualified technology fund agrees to make all of the investments made by it with the proceeds of any investment from a certified Louisiana capital company in qualified Louisiana technology-based businesses, as required by R.S. 51:1923(16)(b);

6. a written undertaking of the qualified technology fund in form and substance acceptable to the secretary by which the qualified technology fund agrees that the commissioner shall regulate the investment of the certified capital received by the qualified technology fund as required by R.S. 51:1923(16)(d);

7. a written undertaking of the qualified technology fund in form and substance acceptable to the secretary by which the qualified technology fund agrees to provide:

a. to the secretary by August 1 of each year the information required to be included in the secretary's report described in R.S. 51:1927.2, with respect to the operations and investments of the qualified technology fund, to the extent that such information is relevant to the qualified technology fund; and

b. to the commissioner the information required by R.S. 51:1926F, by the dates set forth therein, to the extent that such information is relevant to the qualified technology fund; and

8. such additional information as may be requested by the secretary with regard to the qualified technology fund or its ownership, management or operations.

B. A qualified technology fund shall be designated by the secretary for purposes of qualifying an investment in the qualified technology fund under R.S. 51:1923(12)(d) if the applicant meets the criteria set forth in each of Paragraphs 1 through 4 of this Subsection B, or if it meets such additional or other criteria determined by the secretary from time to time.

1. The applicant has delivered to the secretary all of the information required by Subsection A of this Section;

2. The information delivered to the secretary pursuant to this Rule demonstrates that the qualified technology fund meets the criteria under R.S. 51:1923(16); and

3. The information delivered by the applicant shall demonstrate reasonable prospects for the qualified technology fund to invest the following percentages of each of the qualified technology fund's investment pools within the following time periods:

a. on or before the second anniversary of the investment date of the investment pool, 50 percent of the investment pool invested in qualified Louisiana-based technology businesses; and

b. on or before the third anniversary of the investment date of the investment pool, 100 percent of the investment pool invested in qualified Louisiana-based technology businesses.

4. The charter and/or management documents with respect to the applicant shall provide that:

a. the non-certified capital company representatives involved with the management of the applicant have the authority to appoint a majority of the members (including the Chairman) of each of:

i. the Board of Directors, Board of Managers or other similar governing authority of the applicant and any entity responsible for the direction of the applicant's investment decisions; and

ii. any committee of the Board of Managers, Board of Directors or other similar governing authority of the applicant with the authority to approve investment decisions and any such committee of any entity responsible for the direction of the applicant's investment decisions; provided that the certified Louisiana capital companies investing in the qualified technology fund may retain a right to representation on any such boards or committees and a right to veto, by majority vote of those certified capital companies present and voting at any meeting for such purpose, investment decisions of such boards or committees;

b. the qualified technology fund shall have management representation from at least one of the Louisiana research parks identified in R.S. 51:1923(16)(a) or any other technology park certified by the secretary.

c. each member of any board, committee or other governing authority of the applicant or any entity responsible for applicant's investment decisions shall disclose in writing all conflicts of interest with respect to any prospective investment by the applicant (except for conflicts of interest existing solely because of a prior investment by the qualified technology fund or any investment pool or subsidiary thereof) and no such member may vote on any such matter; provided that, the fact that a business is located at or is being assisted or incubated by a Louisiana research park or other technology park shall not in and of itself constitute a conflict of interest for a representative of the park serving on the Board of Director or any committee of the qualified technology fund with respect to matters relating to that business; and

d. the applicant may not invest in any qualified Louisiana-based technology business in which a certified Louisiana capital company that is a participant in the qualified technology fund has previously invested except for a follow-on investment by the qualified technology fund to the extent that the certified Louisiana capital company's first investment in the qualified Louisiana-based technology business was closed contemporaneously with or after a previous investment by the qualified technology fund, and further provided that the investment by the qualified technology fund does not serve to directly or indirectly repay or refund all or a portion of the certified Louisiana capital company's previous investment.

C. Qualified technology funds which are approved by the secretary pursuant to this rule shall be subject to the following additional provisions.

1. The information provided by a qualified technology fund to the office or the department shall be subject to R.S. 51:1926D and 51:1934.

2. A qualified technology fund shall not make any investment in any qualified Louisiana-based technology business:

a. which is involved in any of the lines of business identified in R.S. 51:1926A(3); or

b. if after making the investment the total investment outstanding in such business and its affiliates would exceed the greater of:

i. twenty-five percent of the total certified capital invested by certified Louisiana capital companies in the qualified technology fund; or

ii. \$500,000.

3. No initial investment by the qualified technology fund in a qualified Louisiana-based technology business, when aggregated with all other investments by the qualified technology fund in such business which are made within the twelve month period following the date of the initial investment, will exceed the greater of:

a. fifteen percent of the total certified capital invested by certified Louisiana capital companies in the qualified technology fund; or

b. \$300,000.

4. Before any investment is made by a qualified technology fund, the qualified technology fund shall obtain an affidavit from the qualified Louisiana-based technology business in the form required by R.S. 51:1926G.

5.a. All distributions made by a qualified technology fund to a certified Louisiana capital company which has invested in the qualified technology fund shall constitute certified capital which is subject to the requirements of R.S. 51:1928C.

b. A qualified technology fund shall not make any payment or distribution to any CAPCO or affiliate of a certified Louisiana capital company which has invested in it that is not covered by Subparagraph C.3.a of this Section unless approved in advance by the Secretary.

6.a. An investment by a certified capital company in a qualified technology fund that is approved by the secretary in accordance with this rule shall be deemed to "further economic development within Louisiana" for purposes of R.S. 51:1923(12); provided that each investment by a qualified technology fund in qualified Louisiana technology-based businesses must:

i. "further economic development within Louisiana" as provided by rule with respect to qualified Louisiana businesses; and

ii. consist of the investment of cash and result in the acquisition of either:

(a). non-callable equity in a qualified Louisiana technology-based business; or

(b). a note issued by a qualified Louisiana technology-based business with a stated final maturity date of not less than three years; provided that the aggregate of all investments by the qualified technology fund in debt instruments with a stated maturity of less than five years may not exceed twenty-five percent of the total certified capital invested by certified capital companies in the qualified technology fund.

b. The qualified technology fund need not be a Louisiana business and industrial development corporation to provide financing assistance to qualified Louisiana technology-based businesses.

7. The aggregate management fees charged by a certified Louisiana capital company and a qualified technology fund with respect to funds invested by the certified Louisiana capital company in the qualified technology fund shall not exceed the amount permitted by R.S. 51:1928C(3).

8. The qualified technology fund shall submit to the commissioner, on or before April thirtieth, annual audited financial statements which include the opinion of an independent certified public accountant.

9. The commissioner shall conduct an annual review of the qualified technology fund and its various investment pools similar to the annual review of certified capital companies pursuant to R.S. 51:1927(A).

D. An investment by a certified Louisiana capital company in a qualified technology fund approved by the secretary pursuant to this Section shall constitute an investment and a qualified investment for purposes of R.S. 51:1926A(1) and (2) on the date that the certified Louisiana capital company makes the investment in the qualified technology fund or in an investment pool sponsored and administered by the technology fund if the investment by the certified Louisiana capital company is in cash and is either in the form of equity which is not subject to redemption prior to the third anniversary of the date of investment or debt which has a stated final maturity date of not less than three years from the origination of the debt investment in the qualified technology fund.

E. An investment by a certified Louisiana capital company in a qualified technology fund approved by the secretary pursuant to this Rule shall not constitute a qualified investment for purposes of R.S. 51:1927.1C(1), (2) and (3) and R.S. 51:1928B(3) until the qualified technology fund has invested an amount equal to 100 percent of the investment pool which includes the investment by the certified Louisiana capital company. If as of the third anniversary of the investment date of the investment pool which includes a certified Louisiana capital company's investment in a qualified technology fund the qualified technology fund has failed to invest 100 percent of the investment pool in qualified Louisiana-based technology businesses in accordance with R.S. 51:1923(16) and this Rule, the certified Louisiana capital company may demand repayment or redemption of its pro rata share of the uninvested portion and:

1. the invested portion with respect to such certified Louisiana capital company shall be considered to have been invested in qualified investments for purposes of R.S. 51:1927.1C(1), (2) and (3) and R.S. 51:1928B(3); and

2. the uninvested portion returned to the certified Louisiana capital company shall thereafter only be deemed to have been invested in a qualified investment for purposes of R.S. 51:1927.1C(1), (2) and (3) and R.S. 51:1928B(3) when such funds are invested in qualified investments in qualified Louisiana-based technology businesses; and

3. the repayment or redemption shall not adversely affect the status of such funds as having been invested in a qualified investment for purposes of R.S. 51:1926A(1) and (2).

F. For purposes of this rule, the term *investment pool* means not less than all of the cash invested by certified Louisiana capital companies in a qualified technology fund on the same day.

G. A qualified technology fund may organize separate entities to separate the investments which comprise its different investment pools so long as each such separate entity is organized and managed in a manner materially the

same as approved by the secretary pursuant to this rule. Each separate entity shall be subject to regulation as a "qualified technology fund" but need not be separately approved as such by the secretary.

H. The secretary shall respond to an application to become a qualified technology fund within 30 days of receipt of the information required by Subsection A of this Section.

I. To become certified as a "technology park" that is permitted to be involved in the management of a qualified technology fund pursuant to R.S. 51:1923(16)(a) (in addition to the entities specifically enumerated in R.S. 51:1923(16)(a)), an applicant shall submit to the secretary:

1. the charter documents for the applicant;
2. a detailed description of the management and operations of the applicant;

3. a statement showing all owners, operators, managers, beneficiaries or other interest holders of the applicant who benefit financially (directly or indirectly) from the operations of the applicant;

4. a list of qualified Louisiana-based technology businesses that have been assisted by the services provided by the applicant and a list of references from those entities, with contact information;

5. a copy of the applicant's mission statement, goals, purposes or other similar statements;

6. the audited financial statements of the applicant from the prior fiscal year with an opinion of independent certified public accountants;

7. information from which the secretary can determine whether the applicant meets the criteria of a Louisiana research park, as defined in R.S. 51:1923(11); and

8. such additional information as may be requested by the secretary with regard to the applicant.

J. The secretary shall approve an applicant as a "technology park" for purposes of participating in the management of a qualified technology fund if the applicant meets the following criteria or such additional or other criteria determined by the secretary from time to time:

1. the applicant is a Louisiana research park, as defined in R.S. 51:1923(11); and

2. in the secretary's reasonable opinion, the information delivered by the applicant to the Secretary demonstrates that the applicant has a history and a mission materially contributing to the economic development of the State of Louisiana by providing assistance to qualified Louisiana-based technology businesses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1929.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, and the Office of the Governor, Office of Financial Institutions, Office of the Commissioner, LR 30:

Michael J. Olivier
Secretary

0408#015

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Notification Requirements for Unauthorized Emissions (LAC 33:I.3925 and 3931)(OS052E3)

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.

This is a renewal of Emergency Rule OS052E2, which was effective April 8, 2004, and published in the *Louisiana Register* on April 20, 2004. The department is promulgating a Rule (OS052) that includes the amendments in this Emergency Rule.

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 ozone 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. 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. Air quality sampling in the Baton Rouge area also showed substantial quantities of the mentioned ozone precursors. Baton Rouge's type of industry (petrochemical plants and refineries) and meteorological conditions are similar enough to Houston to warrant further investigation. The ozone formation experienced in the Baton Rouge area may similarly be the result of the emissions of "highly reactive" ozone precursors.

The department continues to need additional information regarding the unauthorized releases of these highly reactive ozone precursors to understand, predict, and prevent further exceedances of the ozone standard. This information is needed immediately to monitor the remainder of the 2003 and the 2004 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.louisiana.gov/surveillance/irf/forms> and <http://www.deq.louisiana.gov/surveillance>.

Revisions to the regulations include additional information to be included on the written notification report required in LAC 33:I.3925. This information will enhance the investigation of highly reactive VOC that is in progress. The table in LAC 33:I.3931 is being amended for clarification, and a footnote is revised to clarify that for releases of highly reactive VOC, the lowered Reportable Quantity only applies to releases to the atmosphere. This renewal also corrects two errors in the table in LAC 33:I.3931.

This Emergency Rule is effective on August 6, 2004, 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 OS052E3, you may contact the Regulation Development Section at (225) 219-3550.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter D. Notification Procedures

§3925. Written Notification Procedures for the Department of Environmental Quality

A. - B.3. ...

4. details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is permitted:

a. the current permitted limit for the pollutant(s) released;

b. the permitted release point/outfall ID; and

c. which limits were exceeded (SO₂ limit, mass emission limit, opacity limit, etc.) for air releases;

5. common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and best estimate of amounts of any or all released pollutants (total amount of each compound expressed in pounds, include calculations);

B.6. - C. ...

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

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 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:

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. ¹	RCRA ² Waste Number	Pounds
Acetaldehyde	75070	U001	100 [†]

[See Prior Text in Allyl chloride – Antimony*]			
Antimony Compounds	20008		100
Barium*	7440393		100
Barium compounds	20020		100
Biphenyl	92524		100
1-Butanol	71363	U031	5000/1000 [@]
Butenes (all isomers)	25167673		100 [†]
n-Butyl alcohol	71363	U031	5000/1000 [@]

[See Prior Text in Carbonic dichloride]			
Carbonyl sulfide	463581		100

[See Prior Text in Chlorinated Dibenzo Furans, all isomers - Chromium ³ *]			
Chromium compounds	20064		100

[See Prior Text in Copper ³]			
Copper Compounds	20086		100

[See Prior Text in Cumene]			
1,3-Dichloropropylene	542756		100

[See Prior Text in Ethyl acrylate]			
Ethylene	74851		5000 or 100 [†]
Ethylene glycol	107211		5000
Glycol ethers **			100

[See Prior Text in Hexane - 1,3-Isobenzofurandione]			
Manganese*	7439965		100
Manganese compounds			100

[See Prior Text in Methanethiol]			
Methyl acrylate	96333		10

[See Prior Text in Methyl ethyl ketone (MEK)- 4-Methyl-2-pentanone]			
Methylene diphenyl diisocyanate	101688		1000

[See Prior Text in Nitric acid – Propionaldehyde]			
Propylene	115071		100 [†]

[See Prior Text in Strontium sulfide – Thiomethanol]			
Toluene	108883	U220	100 [†]

[See Prior Text in Vinyl acetate - Volatile Organic Compounds not otherwise listed ⁴]			
Highly reactive volatile organic compounds listed below: acetaldehyde; butenes (all isomers); ethylene; propylene; toluene; xylene (all isomers); and/or isoprene ⁵			100 [†]

[See Prior Text in F003 – F005, Methyl ethyl ketone]			

Note * - Note ⁴ ...

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

Note @ ...

[†] The RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere 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 Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Department of Environmental Quality, 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 30:

Mike D. McDaniel, Ph.D.
Secretary

0408#024

DECLARATION OF EMERGENCY
Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Remediation of Sites with Contaminated Media
(LAC 33:V.109)(HW084E3)

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.

This is a renewal of Emergency Rule HW084E2, which was effective April 6, 2004, and published in the *Louisiana Register* on April 20, 2004. The department is drafting a Rule to promulgate these regulation changes.

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. Language has been added to further define the management of contaminated media as nonhazardous. 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 4, 2004, 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 HW084E3 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 **C**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 of the hazardous constituents that serve as the basis for the hazardous waste being listed (as shown in LAC 33:V.4901.Table 6, Table of Constituents that Serve as a Basis for Listing Hazardous Waste, or if constituents are not listed in Table 6 refer to LAC 33:V.2299 [formerly Chapter 22, Appendix]) for appropriate constituents, or if not listed in either of these locations shall be determined by the department on a case-by-case basis) remaining in the media are below applicable 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. Land disposal treatment standards (LAC 33:V.2299 [formerly Chapter 22, Appendix] apply prior to placing such environmental media into a land disposal unit 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 30:

Mike D. McDaniel, Ph.D.
Secretary

0408#023

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Waste Tires Amendments
(LAC 33:VII.10505, 10509, 10519,
10521, 10535, and 10537)(SW039E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the secretary of the Department of Environmental Quality declares that an emergency action is necessary in order to strengthen the regulations that will ensure proper processing, recycling, marketing, and disposal of waste tires generated in Louisiana. Waste tires that are not processed, recycled, and marketed in accordance with LAC 33:VII.Chapter 105 create environmental and health-related problems and pose a significant threat to the safety of the community. In particular, improper handling of waste tires results in breeding grounds for mosquitoes, fostering West Nile and other mosquito born diseases in the environment. The elimination of breeding areas for mosquitoes will reduce the exposure to these insects and the serious health problems associated therewith.

The Waste Tire Management Fund, established to temporarily subsidize the processing, recycling, and marketing of waste tires, has not been generating sufficient funds to provide for the proper processing, recycling, and marketing of waste tires. The failure to provide sufficient funds for the waste tire program may result in the

resumption of illegal tire disposal, precipitating an increase in breeding areas for disease carrying vectors and endangering the health of the public and the aesthetics of the environment.

This Emergency Rule is effective on July 30, 2004, for all portions of this rule other than the provisions pertaining to the collection of the fee. The collection of the fee is effective on September 15, 2004, in order to provide sufficient time for those who are subject to collecting the fee to register with the department and implement the systems necessary to comply with the Rule. The Rule shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning SW039E, you may contact the Regulation Development Section at (225) 219-3550.

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.

* * *

Motor Vehicle Dealer—any person, business, or firm registered with the state of Louisiana that engages in the commercial sale of new motor vehicles.

* * *

Recapped or Retreaded Tire—any tire that has been reconditioned from a used tire and sold for use on a motor vehicle.

* * *

Sale of a Motor Vehicle—any sale and/or lease of a motor vehicle that would require registration, under the name of the consumer, with the Louisiana Department of Motor Vehicles.

* * *

Tire Dealer—any person, business, or firm that engages in the sale of tires, including *recapped or retreaded tires*, for use on motor vehicles.

* * *

Waste Tire—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect. *Waste tire* does not include a tire weighing over 500 pounds and/or a solid tire.

* * *

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 29:2779 (December 2003), LR 30:***

§10509. Prohibitions and Mandatory Provisions

A. - G. ...

H. All persons who sell tires shall retain and make available for inspection, audit, copying, and examination, a

record of all tire transactions in sufficient detail to be of value in determining the correct amount of fee due from such persons. The records retained shall include all sales invoices, purchase orders, inventory records, and shipping records pertaining to any and all sales and purchases of tires. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A).

I. Each tire wholesaler shall maintain a record of all tire sales made to dealers in this state. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A). These records shall contain and include the name and address of each tire purchaser and the number of tires sold to that purchaser.

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 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), LR 30:

§10519. Standards and Responsibilities of Generators of Waste Tires

A. ...

B. Tire dealers must accept one waste tire for every tire sold from the purchaser of the tire at the time of purchase, unless the purchaser elects to retain the waste tire.

C. Each tire dealer doing business in the state of Louisiana shall be responsible for the collection of the \$2 waste tire fee upon the sale of each passenger/light truck tire, \$5 waste tire fee upon the sale of each medium truck tire, and \$10 waste tire fee upon the sale of each off-road tire. For recapped or retreaded tires, a waste tire fee of \$1.25 shall be collected upon the sale of each recapped or retreaded tire. *Tire dealer* includes any dealer selling tires in Louisiana.

D. - 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 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 tire sold, unless the purchaser elects to retain the waste tire."

F. - J. ...

K. No generator shall allow the removal of waste tires from his place of business by anyone other than an authorized transporter, unless the generator generates 50 or less waste tires per month from the sale of 50 tires. In this case, the generator may transport his waste tires to an authorized collection or permitted processing facility provided LAC 33:VII.10523.C is satisfied.

L. A generator who ceases the sale of tires at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the tire sale and monthly report records.

M. Generators of waste tires shall segregate the waste tires from any usable tires offered for sale.

N. - O. ...

P. All generators of waste tires (e.g., new tire dealers, 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 29:1818 (September 2003), LR 29:2780 (December 2003), LR 30:

§10521. Standards and Responsibilities of Motor Vehicle Dealers

A. All existing motor vehicle dealers shall notify the Office of Management and Finance, Financial Services Division, of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Management and Finance, Financial Services Division. Any new motor vehicle dealer shall notify the Office of Management and Finance, Financial Services Division, within 30 days of commencement of business operations.

B. Motor vehicle dealers doing business in the state of Louisiana, who sell new vehicles, shall be responsible for the collection from the consumer of the \$2 waste tire fee for each tire upon the sale of each vehicle that has passenger/light truck tires, the \$5 waste tire fee for each tire upon the sale of each vehicle that has medium truck tires, and the \$10 waste tire fee for each tire upon the sale of each off-road vehicle. No fee is collected on the designated spare tire.

C. Motor vehicle dealers shall remit all waste tire fees collected as required by LAC 33:VII.10535.B and C to the department on a monthly basis on or before the twentieth day following the month during which the fees were collected. The fees shall be remitted to the Office of Management and Finance, Financial Services Division. Each such dealer shall also submit a Monthly Waste Tire Fee Report (Form WT02, available from the Office of Management and Finance, Financial Services Division) to the Office of Management and Finance, Financial Services Division, on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected. Each motor vehicle dealer is required to make a report and remit the fee imposed by this Section and shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each such dealer shall maintain a complete record of the quantity of vehicles sold, together with vehicle purchase and sales invoices, and inventory records, for a period of no less than three years. These records shall be made available for inspection by the administrative authority at all reasonable hours.

D. Motor vehicle dealers must provide notification to the public sector via a sign, made available by the Office of

Management and Finance, Financial Services Division, indicating that:

"All Louisiana motor vehicle dealers selling new vehicles are required to collect a waste tire cleanup and recycling fee from the consumer of \$2 for each tire upon the sale of each vehicle that has passenger/light truck tires, \$5 for each tire upon the sale of each vehicle that has medium truck tires, and \$10 for each tire upon the sale of each off-road vehicle. These fees shall also be collected upon replacement of all recall and adjustment tires. No fee shall be collected on the designated spare tire."

E. The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice or buyers order. No tax of any kind shall be applied to this fee.

F. A motor vehicle dealer who ceases the sale of motor vehicles at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the motor vehicle sales and monthly report records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

§10535. Fees and Fund Disbursement

A. - A.8. ...

B. Waste Tire Fee upon Promulgation of These Regulations. A waste tire fee is hereby imposed on each tire sold in Louisiana, to be collected from the purchaser by the tire dealer and motor vehicle dealer at the time of retail sale. The fee shall be \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire. No fee shall be collected on tires weighing more than 500 pounds or solid tires.

C. - D.10. ...

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 LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), LR 30:

§10537. Enforcement

A. ...

B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In cases where persons selling tires have failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in cases(s) where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative

authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.

C. - E.2.c. ...

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 26:2782 (December 2000), LR 28:1954 (September 2002), LR 30:

Mike D. McDaniel, Ph.D.
Secretary

0408#025

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.13707-13709)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services proposes to adopt LAC 50:XXI.13707-13709 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is being 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 on June 20, 1997 to establish the provisions governing the programmatic allocation of waiver slots for the Mental Retardation/Developmental Disabilities (MR/DD) Waiver (*Louisiana Register*, Volume 23, Number 6). The June 20, 1997 rule was subsequently amended on May 20, 2002 to update the methodology for slot allocation in order to better meet the needs of citizens with disabilities in the state of Louisiana (*Louisiana Register*, Volume 28, Number 5). The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services promulgated a Rule implementing a new home and community based services waiver designed to enhance the support services available to individuals with developmental disabilities titled the New Opportunities Waiver (NOW) (*Louisiana Register*, Volume 30, Number 6). The New Opportunities Waiver replaced the MR/DD Waiver upon completion of the transition of all MR/DD participants to NOW.

The Appropriations Bill of the 2004 Regular Session of the Legislature allocated funds for the establishment of sixty-six emergency slots for NOW and mandated the development and enforcement of rules established under the Administrative Procedure Act to create an equitable and precise methodology for defining an emergency and the issuance of such slots. The bureau now proposes to promulgate an Emergency Rule to establish the provisions

governing emergency waiver opportunities. In addition, the bureau proposes to repeal the rules governing programmatic allocation of MR/DD Waiver slots and adopt those provisions to govern the programmatic allocation of waiver opportunities for NOW.

This action is being taken to promote the health and welfare of those individuals with developmental disabilities by facilitating access to waiver services when the individual meets the criteria for an emergency waiver opportunity. It is anticipated that implementation of this Emergency Rule will increase expenditures in the New Opportunities Waiver Program by \$3,735,600 for state fiscal year 2004-2005.

Effective August 20, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services repeals the May 20, 2002 Rule and adopts the following provisions governing the programmatic allocation of waiver opportunities in the New Opportunities Waiver.

Title 50 PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers Subpart 11. New Opportunities Waiver Chapter 137. General Provisions §13707. Programmatic Allocation of Waiver Opportunities

A. The Bureau of Community Supports and Services (BCSS) Request for Services Registry, hereafter referred to as the "registry," shall be used to evaluate individuals for waiver eligibility and shall be used to fill all waiver opportunities administered by the BCSS for persons with mental retardation or developmental disabilities. BCSS shall notify, in writing, the next individual on the registry that a waiver opportunity is available and that he/she is next in line to be evaluated for a possible waiver assignment. The individual shall then choose a case management agency that will assist in the gathering of the documents needed for both the financial eligibility and medical certification process for level of care determination. If the individual is determined to be ineligible, either financially or medically, that individual shall be notified in writing. The next person on the registry shall be notified as stated above and the process continues until an eligible person is assigned the waiver opportunity. A waiver opportunity shall be assigned to an individual when eligibility is established and the individual is certified. By accepting a waiver opportunity, the person's name shall be removed from the registry.

B. Right of Refusal. A person may be designated inactive on the registry upon written request to BCSS. When the individual determines that he/she is ready to begin the waiver evaluation process, he/she shall request, in writing, to BCSS that his/her name be removed from inactive status and his/her original protected request date will be reinstated. In addition, persons who left a publicly operated developmental center after July 1, 1996 and who would have received a waiver opportunity, but chose another option at the time of discharge may request access to a waiver opportunity through the Office for Citizens with Developmental Disabilities (OCDD) regional administrative units. OCDD will verify that the individual meets the criteria for this option and will refer the person to BCSS for access to the next available waiver opportunity based on their date of

discharge from the developmental center that will become their protected date.

C. Utilizing these procedures, waiver opportunities shall be allocated to the targeted groups cited as follows.

1. A minimum of 90 opportunities shall be available for allocation to foster children in the custody of the Office of Community Services (OCS), who successfully complete the financial and medical certification eligibility process and are certified for the waiver. OCS is the guardian for children who have been placed in their custody by court order. OCS shall be responsible for assisting the individual in gathering the documents needed in the eligibility determination process, preparing the comprehensive plan of care, and submitting the plan of care document to BCSS.

2. A minimum of 160 opportunities shall be available for people living at Pinecrest and Hammond Developmental Centers, or their alternates, who have chosen to be deinstitutionalized, have successfully completed the financial eligibility and medical certification process, and are certified for the waiver. In situations where alternates are used, an alternate shall be defined as a person who lives in a private ICF-MR facility and chooses to apply for waiver participation, is eligible for the waiver, and vacates a bed in the private ICF-MR facility for an individual being discharged from a publicly operated developmental center. A person living at Pinecrest or Hammond Developmental Center must be given freedom of choice in selecting a private ICF-MR facility placement in the area of his/her choice in order to designate the individual being discharged from the private ICF-MR facility as an alternate. The bed being vacated in the private ICF-MR facility must be reserved for 120 days for the placement of a person being discharged from a publicly operated developmental center.

3. Except for those opportunities addressed in C.1., C.6. and C.7., opportunities vacated during the waiver year shall be made available to persons leaving any publicly operated ICF-MR or their alternates.

4. For those individuals who do not complete the transition process and move from a publicly operated developmental center during the 120-day reservation period, the waiver opportunity will be converted to a community opportunity for processing. Justification to exceed the 120-day reservation period may be granted by the BCSS as needed.

5. Opportunities not utilized by persons living in public ICFs-MR or their alternates shall be divided between:

- a. the next individual on the registry who is living in either a nursing facility or private ICF-MR; and
- b. the next individual on the registry who is residing in the community.

6. Ten waiver opportunities shall be used for qualifying persons with developmental disabilities who receive services from the Developmental Neuropsychiatric Program (DNP) administered by Southeast Louisiana State Hospital. This is a pilot project between the BCSS, the OCDD, and the Office of Mental Health (OMH) in the development of coordinated wrap around services for individuals who choose to participate in the waiver and meet the financial and medical eligibility requirements for the waiver.

7. 66 waiver opportunities shall be used for qualifying individuals with developmental disabilities who require emergency waiver services. In the event that an opportunity is vacated, the opportunity will be returned to the emergency pool for support planning based on the process for prioritization. Once the 66 opportunities are filled, then supports and services based on the priority determination system will be identified by OCDD and addressed through other resources currently available for individuals with developmental disabilities.

8. Funded opportunities not addressed above shall be available for allocation to the next individual on the registry who successfully completes the financial eligibility and medical certification process and is certified for the waiver.

D. The Bureau of Community Supports and Services has the responsibility to monitor the utilization of waiver opportunities. At the discretion of the BCSS, specifically allocated opportunities may be reallocated to better meet the needs of citizens with disabilities in the State of Louisiana.

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 30:

§13709. Emergency Opportunities

A. Requests for emergency waiver services shall be made through the regional administrative units (RAU), which are local and regional governmental entities responsible for implementing OCDD policies. When a request for emergency services is received, the RAU (which may be OCDD regional offices, human services districts, or human services authorities) shall complete a priority assessment that incorporates standardized operational procedures with standardized assessment tools to determine the priority of the individual's need in a fair and consistent manner.

B. To be considered for emergency waiver supports, the individual must need long term supports, not temporary or short term supports. All of the following criteria shall be used in the determination of priority for an emergency opportunity.

1. Urgency of Need. The individual will require further assessment for emergency services if one of the following situations exists:

- a. the caregiver is unable or unwilling to continue providing care (i.e., the individual was dropped off and the caregiver was not found);
- b. death of the caregiver and there are no other available supports (i.e., other family member);
- c. the caregiver is incapacitated and there are no other available supports (i.e., other family member) due to physical or psychological reasons;
- d. intolerable temporary placement, immediate need for new placement; or
- e. other family crisis exists with no caregiver support available.

2. Level of Risk. The individual will be assessed to determine the risk to health and safety in areas of daily living, health care and behavioral supports if an emergency

waiver opportunity is not made available. Level of risk will be categorized as follows.

a. High Risk. The person's health or safety is at imminent risk without the requested developmental disability supports.

b. Moderate Risk. The person has a potential risk of losing their current level of health or safety without the requested developmental disability supports.

c. Low Risk. The person is at little or no risk of losing their current level of health or safety without the requested developmental disability supports.

3. Level of Unmet Needs. The person's needs shall be identified and assessed to determine the level to which the needs are being met.

4. Adaptive Service Level Determination. The person's service needs will be determined utilizing a standardized rating based on adaptive behavior levels.

5. Financial Resources Determination. Individual or family income shall be considered to determine whether it is adequate to meet unmet needs.

C. For individuals who appear to meet the criteria for an emergency waiver opportunity, the RAU will forward the Priority Ranked Score and all supporting documentation to the DHH Emergency Review Team Coordinator at OCDD in Baton Rouge to complete the determination process.

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 30:

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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#090

DECLARATION OF EMERGENCY

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

Durable Medical Equipment Program
Prosthetics and Orthotics
Artificial Eyes, Scleral Shell, and Related Services
(LAC 50:XVII.1301-1305)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:XVII.1301-1303 and amend §1305 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 promulgated a Rule to establish the reimbursement methodology for artificial eyes in the *Louisiana Register*, (Volume 27, Number 1). The bureau now proposes to adopt criteria for the authorization of artificial eyes, scleral shell, and related services and amend the reimbursement methodology.

This action is being taken to promote the health and welfare of Medicaid recipients by facilitating access to artificial eyes and related services. It is estimated that implementation of this Emergency Rule will increase expenditures in the Durable Medical Equipment Program by \$60,080 for fiscal year 2004-2005.

Effective August, 20, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the authorization of artificial eyes, scleral shell and related services.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XVII. Durable Medical Equipment

Subpart 1. Prosthetics

Chapter 13. Prosthetics and Orthotics

Subchapter A. Artificial Eyes, Scleral Shell, and Related Services

§1301. Introduction

A. Definitions

Artificial Eye or Ocular Prosthesis. A replacement for a missing or damaged, unsightly eye.

a. An artificial eye and related services are when an eyeball is removed and replacement, repair and/or upkeep of an artificial eye are necessary to maintain the contour of the face. It does not restore vision. There are two types of ocular prostheses:

- i. full ocular prosthesis; and
- ii. scleral shell.

Full Ocular Prosthesis. Used for individuals who have the globe removed allowing for the fitting of a regular artificial eye.

Related Services. Include polishing or resurfacing of ocular prosthetics, enlargements or reductions of ocular prosthetics, and fabrication or fitting of ocular conformer.

Scleral Shell (or Shield)

a. a custom-made, thin ocular prosthesis fitted directly over a blind and shrunken globe. It includes the iris (the colored part of the eye) and the sclera (the white part of the eye);

b. a term utilized to describe different types of hard scleral contact lenses. A shell fits over the entire exposed surface of the eye as opposed to a corneal contact lens which covers only the central nonwhite area encompassing the pupil and iris.

B. These procedures require prior authorization.

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, Bureau of Health Services Financing, LR 30:

§1303. Medical Necessity

A. A scleral shell may be authorized when the medical criteria as stated in this Subchapter A are met.

B. An artificial eye and related services shall be approved if an eyeball is removed and replacement and repair and/or upkeep of an artificial eye are necessary to maintain the contour of the face.

C. A scleral shell may, among other things, obviate the need for surgical enucleation and prosthetic implant and act to support the surrounding orbital tissue of an eye that has been rendered sightless and shrunken by inflammatory disease. In such a case, the device serves essentially as an artificial eye. In this situation, authorization of payment may be made for a scleral shell. Scleral shells are occasionally used in combination with artificial tears in the treatment of "dry eye" of diverse etiology. Tears ordinarily dry at a rapid rate, and are continually replaced by the lacrimal gland. When the lacrimal gland fails, the half-life of artificial tears may be greatly prolonged by the use of the scleral contact lens as a protective barrier against the drying action of the atmosphere. Thus, the difficult and sometimes hazardous process of frequent installation of artificial tears may be avoided. The lens acts in this instance to substitute, in part, for the functioning of the diseased lacrimal gland and may be covered as a prosthetic device in the rare case when it is used in the treatment of "dry eye."

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, Bureau of Health Services Financing, LR 30:

§1305. Reimbursement

A. Reimbursement for artificial eyes, scleral shells, and the related services shall be at 90 percent of the 2004 Medicare fee schedule or billed charges; whichever is the lesser amount. If not available at the established flat fee, the flat fee that shall be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

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, Bureau of Health Services Financing, LR 30:1030 (May 2004), amended LR 30:

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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#082

DECLARATION OF EMERGENCY

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

Early and Periodic Screening, Diagnosis and Treatment
Program Health Services (LAC 50:XV.7101-7105)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby amends LAC 50:XV.7101-7105 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, Bureau of Health Services Financing provides reimbursement for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services provided to recipients under the age of 21. The Bureau now proposes to amend current criteria governing services, staffing requirements and school-based services reimbursement methodology in the Early and Periodic Screening, Diagnosis and Treatment Program.

This action is being taken to promote the health and welfare of Medicaid recipients and to maintain access to EPSDT school-based services. It is estimated that implementation of this Emergency Rule will increase expenditures for EPSDT services by approximately \$2,000,000 for state fiscal year 2004-2005.

Effective August 20, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends current criteria governing services, staffing requirements and school-based services reimbursement methodology in the Early and Periodic Screening, Diagnosis and Treatment Program.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening,

Diagnosis, and Treatment

Chapter 71. Health Services

§7101. Covered Services

A. Audiology services are for the identification of children with auditory impairment, using at risk criteria and appropriate audiologic screening techniques. Audiology services include:

1. determination of range, nature and degree of hearing loss and communications, by use of audiological procedures;
2. referral for medical and other services necessary for the rehabilitation of children with auditory impairment; and
3. provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other services.

B. Speech pathology services are for the identification of children with communicative or oropharyngeal disorders and delays in development of communication skills including diagnosis and treatment. These services include:

1. referral for medical or other professional services necessary for the rehabilitation of children with communicative or oropharyngeal disorders and delays in development of communication skills; and
2. provision of services for the rehabilitation or prevention of communicative or oropharyngeal disorders and delays in development of communication skills.

C. Occupational therapy services address the functional needs of a child related to the performance of self-help skills, adaptive behavior, play and sensory, motor and postural development. Occupational Therapy services include:

1. identification, assessment, and intervention;

2. adaptation of the environment;
3. selection, design, and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills; and
4. prevention or reducing the impact of initial or future impairment, delays in development, or loss of functional ability.

D. Physical therapy services are designed to improve the child's movement dysfunction. Physical therapy services include:

1. screening of infants and toddlers to identify movement dysfunction;
2. obtaining, interpreting and integrating information appropriate to program planning; and
3. services to prevent or alleviate movement dysfunction and related functional problems.

E. Psychological services are for obtaining, integrating, and interpreting information about child behavior, and child and family conditions related to learning, mental health, and development. Psychological services include:

1. administering psychological and developmental tests and other assessment procedures;
2. interpreting assessment results;
3. planning and managing a program of psychological counseling for children and parents, family counseling, consultation on child development, parent training, and education programs.

F. Transportation. Transportation to and from school is covered for Medicaid children only when the child receives another covered EPSDT Health Service identified in the child's Individualized Education Plan (IEP) at the school on the day the transportation is provided. If a child requires transportation in a vehicle adapted to serve the needs of the disabled, including a specially adapted school bus, that transportation may be billed to Medicaid if the need for that specialized transportation is listed in his IEP. The child's medical need for the transportation must be identified in the IEP to be covered.

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 16:971 (November 1990), amended LR 23:413 (April 1996), LR 24:336 (February 1998), repromulgated for LAC codification, LR 29:176 (February 2003), amended LR 30:1034 (May 2004), LR 30:

§7103. Professional Staffing Requirements

A. Audiological Services. Audiological services must be provided by an audiologist or physician licensed in Louisiana to provide these services. A referral must be made by the child's physician, preferably the primary care physician, at least annually in accordance with federal Medicaid regulations. The audiologist must have one of the following:

1. a certificate of clinical competence from the American Speech and Hearing Association;
2. completion of the equivalent educational requirements and work experience necessary for certification; or
3. completion of the academic program and is acquiring supervised work experience to qualify for a certificate.

B. Speech Pathology Services. Speech pathology services must be provided by or under direction of a speech pathologist or audiologist in accordance with licensing standards of the State Examiners Board for Speech Pathologists or Audiologists. The speech pathologist or audiologist must be licensed in the State of Louisiana to provide these services and have one of the following:

1. a certificate of clinical competence from the American Speech and Hearing Association;
2. completion of the equivalent educational requirements and work experience necessary for certification; or
3. completion of the academic program and is acquiring supervised work experience to qualify for a certificate.

C. Occupational Therapy Services. Occupational therapy services must be provided by or under the direction of a qualified occupational therapist licensed in Louisiana to provide these services in accordance with the licensing standards of the State Examiners Board of Occupational Therapists. Occupational therapy treatment services require a written referral or prescription by a physician licensed in Louisiana on at least an annual basis. An initial evaluation may be done without a referral or prescription.

1. The occupational therapist must also be:
 - a. registered (OTR) by the American Occupational Therapy Association, Inc. (AOTA); or
 - b. a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience before registration by the AOTA.

2. Services provided under the direction of an occupational therapist must be provided by an occupational therapist assistant certified by the AOTA, who is licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist licensed in Louisiana.

D. Physical Therapy Services. Physical therapy services must be provided by or under the directions of a qualified physical therapist in accordance with state licensing standards of the State Examiners Board for Physical Therapists. The physical therapist must be a graduate of a program of physical therapy approved by both the Council in Medical Education of the American Medical Association and the American Physical Therapy Association or its equivalent. Physical therapy treatment requires a written referral or prescription by a physician licensed in Louisiana on at least an annual basis. An initial evaluation does not require such referral or prescription.

E. Psychological Services. Psychological services include diagnosis and psychological counseling for children and their families.

1. Early Intervention Centers. These services must be provided by a:
 - a. Louisiana licensed physician;
 - b. psychiatrist;
 - c. psychologist; or
 - d. certified school psychologist
2. School-Based Services. These services must be provided by a:
 - a. Louisiana licensed physician;

- b. psychiatrist;
- c. psychologist;
- d. certified school psychologist;
- e. licensed professional counselor;
- f. licensed clinical social worker; or
- g. graduate social worker with supervision in accordance with the state licensing standards of the State Board of Social Work Examiners.

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 30:1034 (May 2004), amended LR 30:

§7105. Reimbursement

A. Early Intervention Centers. Reimbursement for rehabilitation services rendered to Medicaid recipients who are age 0 up to 3 provided by EPSDT early intervention center providers will be as follows,

Procedure	Rate
Electrical stimulation	\$ 17
Physical therapy-one area—therapeutic-30 minutes	\$ 17
Physical therapy-neuromuscular reed-30 minutes	\$ 17
Physical therapy-gait training-30 minutes	\$ 34
Orthotic training	\$ 14
Kinetic act one area-30 minutes	\$ 14
Physical performance test	\$ 14
Physical therapy evaluation/re-evaluation	\$ 92
Occupational therapy evaluation/re-evaluation	\$ 70
Speech/language evaluation/re-evaluation	\$ 70
Speech/language therapy—30 minutes	\$ 26
Speech/language therapy-add 15 minutes	\$ 13
Group speech/language/hearing therapy—30 minutes	\$ 26
Speech group therapy—20 minutes	\$ 13
Speech group therapy—add 15 minutes	\$ 13
Group Speech/language/hearing therapy—1 hour	\$ 52
Speech/language/hearing therapy—20 minutes	\$ 17
Speech/language/hearing therapy—1 hour	\$ 52
Procedures and modalities—30 minutes	\$ 34
Procedures and modalities—45 minutes	\$ 52

B. School Based Services. All school boards that participate in Medicaid as EPSDT health services providers must submit a signed school system certification of understanding (PE-50 EPSDT provider supplement agreement **A@** in order to receive the new reimbursement rates for these services. The new reimbursement rates will not be activated until a completed PE-50 EPSDT provider supplement agreement **A@** form has been received from all of the school boards enrolled as EPSDT health services providers. Payments shall be based on cost. An interim rate based on projected cost may be used as necessary with a settlement of cost at the end of the fiscal year. Providers shall be required to submit annual cost data on forms developed and maintained by the Bureau of Health Services Financing. Cost data shall be used in the calculation of rates.

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 30:

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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#083

DECLARATION OF EMERGENCY

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

Hospital Program **C** Transplant 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 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 promulgated a Rule on June 20, 1994 that adopted criteria for the reimbursement of inpatient hospital services (*Louisiana Register*, Volume 20, Number 6). The bureau subsequently promulgated another Rule on October 20, 1994 that established requirements for the reimbursement for specialized neonatal and pediatric intensive care, burn and transplant services (*Louisiana Register*, Volume 20, Number 10). The bureau now proposes to repeal and replace the provisions in the June 20, 1994 and October 20, 1994 rules governing the coverage of transplant services provided by hospitals. This action is being taken to promote the health and welfare of Medicaid recipients by facilitating access to transplant services. It is estimated that implementation of this Emergency Rule will be revenue neutral for fiscal year 2004-2005.

Emergency Rule

Effective August 20, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals and replaces the provisions in the June 20, 1994 and October 20, 1994 rules governing the coverage of transplant services provided by hospitals.

Transplant Services

A. Transplants must be prior authorized by the Department. Transplants (other than bone marrow and stem cell) must be performed in a hospital that is a Medicare approved transplant center for the procedure. Hospitals seeking Medicaid coverage for transplant procedures must submit documentation verifying that they are a Medicare approved center for each type of transplant other than bone marrow and stem cell transplants. A completed attestation form must be submitted to Provider Enrollment. The Medicaid Director may grant an exception to a transplant center for a specific procedure if the transplant surgeon can demonstrate experience with that specific procedure and a

history of positive outcomes in another hospital that is a Medicare approved transplant center for that specific procedure.

B. In addition to the above criteria, transplant centers located in-state shall meet the following criteria for Medicaid coverage of transplant services:

1. be a member of the Organ Procurement and Transplant Network (OPTN) or the National Marrow Donor Program (NMDP) if the hospital only performs bone marrow/stem cell transplants;

2. have an organ receiving and tissue typing facility (Centers for Medicare and Medicaid Services (CMS) approved for histocompatibility) or an agreement for such services;

3. maintain a written records tracking mechanism for all grafts and patients including:

a. patient and/or graft loss with the reason specified for failure;

b. date of the procedure;

c. source of the graft;

d. if an infectious agent is involved, the facility shall have a written policy for contacting patients and appropriate governmental officials;

4. have written criteria for acceptable donors for each type of organ for which transplants are performed;

5. have adequate ancillary departments and qualified staff necessary for pre-, intra-, and post-operative care including, but not limited to:

a. assessment team;

b. surgical suite;

c. intensive care;

d. radiology;

e. laboratory pathology;

f. infectious disease;

g. dialysis; and

h. therapy (rehabilitation);

6. have minimum designated transplant staff which includes:

a. transplant surgeon adopt standards as delineated and updated by the OPTN;

b. transplant physician same as above;

c. clinical transplant coordinator:

i. Registered Nurse licensed in Louisiana; and

ii. Certified by NATCO or in training and certified within 18 months of hire date;

d. transplant social worker;

e. transplant dietician;

f. transplant data coordinator

g. transplant financial coordinator;

Note: (For 6.a-g above, continuing education is required for continued licensure and certification as applicable.

7. written patient selection criteria and an implementation plan for application of criteria;

8. facility plan, commitment and resources for a program capable of performing the following number of transplants per year/per organ a minimum of:

a. heart 12;

b. liver 12;

c. kidney 15;

d. pancreas 6;

e. bone marrow 10;

f. other organs as established per Medicare and/or

OPTN.

Note: If the level falls below the required volume, the hospital shall be evaluated by the Department for continued recognition as a transplant center;

9. facility must demonstrate survival rates per organ type per year which meet or exceed the mean survival rates per organ type per year as published annually by the OPTN. (If rates fall below this level, the hospital shall supply adequate written documentation for evaluation and justification to the Department.)

Interested persons may submit written comments to the 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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#084

DECLARATION OF EMERGENCY

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

Mental Health Rehabilitation Program Provider Enrollment Moratorium (LAC 50:XV.707)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adopts LAC 50:XV.707 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 to revise provider participation requirements for the Mental Health Rehabilitation Program (MHR) by establishing enrollment and certification criteria for prospective providers (*Louisiana Register, Volume 24, Number 7*). Act 246 of the 2003 Regular Session of the Legislature authorized the department to promulgate rules and regulations requiring the mandatory accreditation of providers of mental health rehabilitation services by an accreditation body. In compliance with Act 246, the bureau promulgated a Rule to amend the provisions contained in the July 20, 1998 Rule by establishing the accreditation requirements for mental health rehabilitation agencies (*Louisiana Register, Volume 30, Number 4*). The department now proposes to establish a moratorium on the enrollment of new providers of mental health rehabilitation services in the Medicaid Program. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring that only qualified providers who can meet the accreditation requirements may enroll to participate in the Medicaid Program. It is estimated that implementation of this Emergency Rule will be revenue neutral for state fiscal year 2004-2005.

Effective August 20, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XV.707 to implement a provider enrollment moratorium for mental health rehabilitation services.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Mental Health Rehabilitation

Chapter 7. Providers

Subchapter A. Eligibility and Certification

§707. Provider Enrollment Moratorium

A. Effective August 20, 2004, a moratorium is implemented on the enrollment of mental health rehabilitation (MHR) providers to participate in the Medicaid Program. The department shall not approve for enrollment any new MHR provider or satellite office regardless of the status of their application.

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 30:

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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#085

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 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 (HCPC). 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 restored a seven percent reduction to the reimbursement rates for selected locally assigned HCPCS and specific CPT-4 procedure codes. In addition, the reimbursement fees for certain CPT-4 designated procedure codes were increased (*Louisiana Register*, Volume 27, Number 5). The bureau subsequently promulgated a rule to increase the reimbursement for certain designated CPT procedure codes related to speciality services (*Louisiana Register*, Volume 28, Number 8). As a result of the allocation of additional funds by the Legislature during the 2003 Regular Session, the bureau increased reimbursement for selected CPT surgical and medical codes. (*Louisiana Register*, Volume 29, Number 12). This Emergency Rule is promulgated to continue the provisions contained in the January 1, 2004 Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Professional Services Program and recipient access to providers of these medically necessary services.

Emergency Rule

Effective for dates of service on or after August 30, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement paid to physicians for selected surgical and medical services provided to designated Medicaid recipients.

Pediatric Surgery Services

A. Services include selected surgery services provided by the primary servicing physician to Medicaid recipients from 11 through 15 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, procedure codes for deliveries (59410) and (59415) or those payable with a fee greater than 100 percent of the Medicare Region 99 allowable for 2002.

B. Surgical services modified with modifier 63 (procedure performed on infants less than 4 kg) shall be reimbursed at 125 percent of the fee on file.

Pediatric Medical Services

A. Services include selected medical services provided by the primary servicing physician to Medicaid recipients from birth through 15 years of age. Physicians' Current Procedural Terminology (CPT) medical procedure codes (90918-99199) 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, procedure codes for conscious sedation (99141) and (99142) or those payable with a fee greater than 100 percent of the Medicare Region 99 allowable for 2002.

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, 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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#086

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2004 Commercial Deep-Water Grouper 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, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

Effective 12:00 noon, August 8, 2004, the commercial fishery for deep-water groupers (misty, snowy, yellowedge, Warsaw grouper, and speckled hind) in Louisiana waters, as described in LAC 76:VII.357.B.1 will close and remain closed until 12:01 a.m., January 1, 2005. Nothing herein shall preclude the legal harvest of deep-water grouper by legally licensed recreational fishermen during the open season for recreational harvest.

Effective with this closure, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell or attempt to purchase, exchange, barter, trade or sell deep-water groupers whether taken from within or without Louisiana territorial waters. Also effective with this closure, no person shall possess deep-water groupers in excess of a daily bag limit, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing deep-water groupers 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 commission grants authority to the Secretary of the Department of Wildlife and Fisheries to re-open and close the commercial season for deep-water groupers in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of deep-water groupers in the federal waters of the Gulf of Mexico as set out herein have been modified, and that NMFS requests that the season be modified in Louisiana state waters.

The Secretary of the Department of Wildlife and Fisheries has been notified by the National Marine Fisheries Service that the commercial quota for deep-water groupers was projected to be reached on July 15, 2004, and that the

Federal season closure is necessary to ensure that the quota for deep-water grouper for 2004 is not exceeded.

Wayne J. Sagrera
Vice-Chairman

0408#042

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2004-2005 Early Migratory Bird Seasons

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 2004-2005 hunting season shall be as follows.

Mourning Doves: Split Season, Statewide, 70 days
September 4 - September 12
October 9 - November 14
December 18 - January 10

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 18 - September 26

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 18 - September 26

Remainder to be set in August with the duck regulations.

King and Clapper: Daily bag limit 15 in the aggregate and possession 30 in the aggregate. Sora and Virginia: Daily and possession bag 25 in the aggregate.

Gallinules: Split Season
September 18 - September 26

Remainder to be set in August with the duck regulations.

Common and Purple: Daily bag limit 15 in the aggregate, possession 30 in the aggregate.

Woodcock: December 18 - January 31
Daily bag limit 3, possession 6

Snipe: Deferred, to be set in August with the duck regulations.

Shooting Hours:

Teal, Rail, Woodcock, and Gallinule: One-half hour before sunrise to sunset.

Mourning Dove: One-half hour before sunrise to sunset except on September 4-5, October 9-10 and December 18-19 when shooting hours will be 12:00 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, 2004 and extend through sunset on February 28, 2005.

Dwight Landreneau
Secretary

0408#044

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2004 Fall Shrimp Season Zones 1 and 3

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 parts of state inside waters and shall have the authority to open or close state outside waters, the Wildlife and Fisheries Commission does hereby set the 2004 Fall Shrimp Season in inside waters to open as follows:

Shrimp Management Zone 1, that portion of Louisiana 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 16, 2004; and

Shrimp Management Zone 3, that portion of state 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 9, 2004.

The commission also hereby sets the closing date for the 2004 Fall Shrimp Season in inside waters in Zone 1 and Zone 3 at official sunset December 21, 2004 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 6:00 a.m., March 31, 2005. 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 inside and outside waters if significant numbers of small white shrimp are found in these waters.

Wayne J. Sagrera
Vice-Chairman

0408#041

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2004 Fall Shrimp Season Zone 2

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, and a resolution adopted by the Wildlife and Fisheries Commission on July 1, 2004 which authorized the Secretary of the Department of Wildlife and Fisheries to open and close the 2004 fall shrimp season in inside waters provided technical and biological data indicate that marketable shrimp, in sufficient quantities are available for harvest and 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, the Secretary of the Department of Wildlife and Fisheries does hereby set the 2004 Fall Shrimp Season in Louisiana waters to open as follows:

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 2, 2004.

The Secretary also hereby sets the closing date for the 2004 Fall Inshore Shrimp Season in Zone 2 at official sunset December 21, 2004.

Dwight Landreneau
Secretary

0408#017

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2004-2005 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, R.S. 56:435.1, and R.S. 56:435.1.1 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 Vermilion Bay Public Oyster Seed Ground as described in LAC 76:VII.507 and LAC 76:VII.509 will open one-half hour before sunrise on September 8, 2004 and close one-half hour after sunset on April 1, 2005.

The oyster season in the Bay Gardene Public Oyster Seed Reservation as described in R.S. 56:434.E will open one-half

hour before sunrise on September 15, 2004 and will close one-half hour after sunset on April 1, 2005.

The oyster seasons in the primary public oyster seed grounds east of the Mississippi River as described in LAC 76:VII.511 and LAC 76:VII.513 are as follows:

1. that portion of the public oyster seed grounds bordered on the north by the Louisiana/Mississippi state line and on the south by the Mississippi River Gulf Outlet, including that portion of Lake Borgne as described in LAC 76:VII.513, will open one-half hour before sunrise on October 1, 2004 and close one-half hour after sunset on April 30, 2005; and

2. that portion of the public oyster seed grounds east of the Mississippi River bordered on the north by the Mississippi River Gulf Outlet and on the south by the Mississippi River and North Pass, including 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 will open one-half hour before sunrise on October 1, 2004 and close one-half hour after sunset on April 1, 2005.

The oyster season in the Bay Junop Public Oyster Seed Reservation as described in R.S. 56:434.E will open one-half hour before sunrise on October 1, 2004 and will close one-half hour after sunset on October 10, 2004.

The oyster season in the Lake Mechant Public Oyster Seed Grounds as described in LAC 76:VII.517, with the exception of the 2004 cultch plant within the following corners:

1. latitude 29 degrees 18 minutes and 45.106 seconds north and longitude 90 degrees 56 minutes 54.820 seconds west;

2. latitude 29 degrees 18 minutes 26.090 seconds north and longitude 90 degrees 56 minutes 55.329 seconds west;

3. latitude 29 degrees 18 minutes 25.879 seconds north and longitude 90 degrees 56 minutes 45.090 west; and

4. latitude 29 degrees 18 minutes 44.895 seconds north and longitude 90 degrees 56 minutes 44.580 seconds west, will open one-half hour before sunrise on October 11, 2004 and close one-half hour after sunset on October 31, 2004.

The oyster season for the Calcasieu Lake public oyster ground as described in R.S. 56:435.1.1 will open one-half hour before sunrise on October 15, 2004 and will remain open until one-half hour after sunset on April 30, 2005. The sack limit for Calcasieu Lake is set at 15 sacks per day as provided for in R.S. 56:435.1.1. However, these conservation actions will not supercede public health closures.

The following areas will remain closed for the 2004/2005 oyster season: the Hackberry Bay and Sister Lake Public Oyster Seed Reservations (as described in R.S. 56:434.E), the Public Oyster Seed Grounds located in portions of Lake Tambour, Lake Chien, Lake Felicity, Deep Lake, and Barataria Bay (as described in LAC 76:VII.517), and the Sabine Lake public oyster tonging area (as described in R.S. 56:435.1).

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 and the reef is being adversely impacted, 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 unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns.

Wayne J. Sagrera
Vice-Chairman

0408#040

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Alligator Hide Tag Fee

In accordance with the 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 procedures to promulgate rules and regulations relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, and finfish seasons and size limits, and all rules and regulations pursuant thereto, and the authority granted to the Secretary of the Department of Wildlife and Fisheries by the Wildlife and Fisheries Commission on May 6, 2004, the Secretary of the Department of Wildlife and Fisheries does hereby suspend the collection of \$1.00 of the \$4.00 alligator hide tag fee. This suspension shall commence on September 20, 2004 and continue for a period of 120 days or until such time as the Wildlife and Fisheries Commission takes further action, whichever occurs first.

Emergency procedures are necessary to allow the Department to make the simultaneous transition from the current suspension of \$2 of the \$4 alligator hide tag fee to a \$1 suspension of the \$4 alligator hide tag fee. Without the Declaration of Emergency, a simultaneous transition will not be possible and will result in the fee going up to \$4 for a short period of time. During September and October of 2003 the number of hides shipped and subject to the collection of the alligator fee was 68,165 hides. With the changing of the tag fees multiple times during the September and October 2004, there will certainly be considerable confusion in the industry. Dealers will alter shipping dates to the greatest extent possible to minimize their tag fee cost. Problems will occur in all levels of the alligator industry; with the staff conducting the inspections, the scheduling of inspections, with the collection of the appropriate fees and with dealers. With this Declaration of Emergency we will be able to at least simplify the issue, notifying dealers of the change and then scheduling the hide inspections to meet the need of the industry within our personnel limitations. Without the Declaration of Emergency all of the dealers will be trying to schedule inspections in early September, this is the exact

timeframe that we need our staff in the field monitoring alligator harvest sex ratios and "return alligators" harvested during the wild season.

Dwight Landreneau
Secretary

0408#039

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Deer Hunting Seasons Area 6

In accordance with the provisions of R.S. 49:953B and 967D(1) of the Administrative Procedure Act, and under the authority of R.S. 56:115 and 116, the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

As a result of public comments and staff recommendations, this commission hereby adopts the

following dates for the Area 6 deer hunting season, which dates reflect the original recommendations of Department staff.

Modern Firearms Still Hunt November 20-December 5
Muzzleloader December 6-10

This action must be taken by Declaration of Emergency since the commission's season date Rule has already been submitted to the legislative leadership and the Office of the State Register, and insufficient time remains to make these changes via standard rulemaking prior to the opening dates of these seasons.

This provision supercedes the corresponding provision contained in LAC 76:XIX.103 which was promulgated as a rule and published in the July 20, 2004 State Register.

Wayne J. Sagrera
Vice-Chairman

0408#043

Rules

RULE

Department of Agriculture and Forestry Structural Pest Control Commission

Termite Minimum Specification Standards (LAC 7:XXV.141)

Editor's Note: This Section is being repromulgated to correct typographical errors. This Rule may be viewed in its entirety on pages 1143-1146 of the June 2004 edition of the *Louisiana Register*.

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission, has amended regulations regarding definitions, contract addendum for monitoring stations, minimum specifications for pre-treatments and re-treatments.

The Department of Agriculture and Forestry deems the implementation of these rules and regulations necessary to provide for uniform minimum treatment specifications for pre-treatments regarding the perimeter application and re-treatment of structures under existing termite contract. The Rule better defines a pre-treat and the requirements for the perimeter application. Pest control operators (PCO) are using termite monitors without baits to monitor for termites. This Rule insures that the PCO contracts, installs and monitors for subterranean termites to at least a minimum set of requirements. This Rule allows the department to regulate termite pre-treat perimeters, re-treat requirements and monitoring systems consistently and insure that the state's citizens are getting the services for which they are paying.

This Rule complies with and are enabled by R.S. 3:3203.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§141. Minimum Specifications for Termite Control Work

A. - D.3.c. ...

E. Pre-Treatment of Slabs

1. Pre-treatment means any treatment, as required by label and labeling, of any structure prior to or during construction.

2. The licensee shall report the completion of the application to the outside of the foundation to the Louisiana Department of Agriculture and Forestry on the Termite Perimeter application form. Within 12 months after initial treatment, the outside perimeter of the foundation, will be treated as follows:

a. trench around the entire perimeter of the structure being treated, adjacent to the foundation wall. All trenches must be approximately 4 inches wide at the top, angled toward the foundation and sufficiently deep (approximately 6 inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be

acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be 4 inches.

b. Rod under or drill through any slab(s) adjoining or abutting the initial pre-treated slab and treat all areas beneath adjoining or abutting slab(s) as per label and labeling instructions. When any slab(s) is drilled, the holes must be no more than 18 inches (unless label requires closer distance) apart along the above stated areas.

3. If, during the treatment of any area which will be beneath a slab foundation, the operator must leave the site for any reason prior to the completion of the application as specified in §141.E.1 above, the operator must prominently display a poster, to be furnished by the Louisiana Department of Agriculture and Forestry, which states that the treatment of the area under the slab is not complete.

4. All pre-treatment of slabs must be called or faxed to the Department of Agriculture and Forestry District Office in which the pretreat occurs, a minimum of one hour prior to beginning the application of termiticides. The information provided shall include a street address, city, parish, directions to the property being pre-treated, and time of beginning the application of termiticides to the property. All pest control operators must keep a log of all pretreats including the information noted. The following is a list of parishes in which the seven Department of Agriculture and Forestry Districts operate. Pre-treatments in those parishes shall be called into the corresponding District Office.

a. Shreveport District C Caddo, Bossier, Webster, Claiborne, Bienville, Red River, and Desoto.

b. Monroe District C Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Jackson, Winn, Caldwell, Franklin, Tensas, Concordia, and Catahoula.

c. Alexandria District C Sabine, Natchitoches, Grant, LaSalle, Avoyelles, Rapides, and Vernon.

d. Crowley District C Beauregard, Allen, Acadia, Jefferson Davis, Cameron, Calcasieu.

e. Opelousas District C Evangeline, St. Landry, St. Martin, Iberia, St. Mary, Vermillion, and Lafayette.

f. Baton Rouge District C Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, Livingston, St. James, Lafourche, Terrebonne, Assumption, Ascension, Iberville, West Baton Rouge, and East Baton Rouge.

g. New Orleans District C St. John the Baptist, St. Charles, Jefferson, Orleans, St. Bernard, and Plaquemines.

F. - H.2. ...

I. Waiver of Requirements of Minimum Specifications for Termite Control Work

1. A pest control operator may request from the owner/agent of the structure(s) to be treated, a waiver of the requirements set out in these regulations whenever it is impossible or impractical to treat one or more areas of the structure in accordance with these minimum specifications for initial treatment. The waiver shall be signed by the owner/agent of the structure(s) to be treated prior to or

during treatment. A signed copy of the waiver shall be given to the owner/agent and shall be sent to the department with the company's monthly eradication report. The waiver shall include, but not be limited to, the following information:

- a. graph identifying the structure and the specific area(s) where treatment is waived;
- b. a description of each area where treatment is waived; and
- c. for each area, the reason treatment is being waived.

2. A pest control operator may request, from the owner/agent of the structure(s) to be treated, a waiver of the requirements set out in these regulations whenever it is impossible or impractical to treat one or more areas of the structure in accordance with these minimum specifications for Retreat(s). The waiver shall be signed by the owner/agent of the structure(s) to be treated prior to or during treatment. A signed copy of the waiver shall be given to the owner/agent and shall be made available to the department upon reasonable request. The waiver shall include, but not be limited to, the following information:

- a. a graph identifying the structure and the specific area(s) where treatment is waived;
- b. a description of each area where treatment is waived; and
- c. for each area, the reason treatment is being waived.

J. - J.15.e. ...

K. Requirements for Combination Liquid Spot and Baits and Baiting Systems Treatments

1. Any licensee or any person working under the supervision of a licensee, who applies a combination liquid spot and baits and/or baiting systems treatments, shall be certified in the use of the baits and baiting systems, by the manufacturer of the product, prior to any application of the bait or baiting system.

2. Combination of liquid spot and bait and baiting systems treatments shall be used according to label and labeling.

3. All combination liquid spot and baits and baiting systems treatments shall be contracted and reported according to R.S. 3:3370 and LAC 7:XXV.119.E. and pay the fee as described in LAC 7:XXV.119.F.

4. Records of contracts, graphs, monitoring (if required), and applications shall be kept according to LAC 7:XXV.117.I. At termination of the contract, the pest control operator shall remove all components of bait and baiting systems.

5. All structures that cannot be treated according to the combination liquid spot and bait and baiting systems treatment minimum specifications must have a waiver of the listed item or items signed by the owner prior to the baiting treatment. A copy of signed waiver must be filed with the Louisiana Department of Agriculture and Forestry with the monthly termite eradication reports.

6. A bait and baiting systems consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control

operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

7. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction shall bait following the label and labeling and liquid spot treat to the following minimum specifications:

a. Trench and treat 10 feet on both sides of live subterranean termite infestation site(s) around the perimeter of the structure, adjacent to the foundation wall. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (minimum six inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be four inches.

b. Rod under or drill through abutting slab(s) and treat all areas in the abutting slab(s) within the 20 feet as required in LAC 7:XXV.141.K.7.a. When the abutting slab is drilled, the holes must be no more than 18 inches apart, unless label requires closer distance along the above stated areas.

c. Treat bath trap(s) as per label and labeling. Bath trap(s) access hole of a minimum of 6 x 8 inches shall be provided to all bathtub plumbing.

i. If the soil in a trap does not reach the bottom of the slab, the trap must be filled to within two inches of the top of the slab with soil prior to treatment. Treat bath trap(s) as required by label and labeling.

ii. A tar filled bath trap must also be drilled and treated as required by label and labeling.

iii. If bath trap is solid concrete pore, it must be drilled and treated as close as practical to the bathtub plumbing.

d. All showers must be drilled and treated as close as practical to shower plumbing according to label and labeling.

e. All other openings (plumbing, etc.) must be treated as required by label and labeling.

8. Combination liquid spot and bait and baiting systems treatments of existing pier-type construction with live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat to the following minimum specifications.

a. Trench and treat 10 feet on both sides of infestation site(s) on brick/block chain wall(s) and all piers within 10 feet of an infested pier or chain wall. Trench, drill, and treat as required in LAC 7:XXV.141.

9. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction and pier-type construction without live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat as required in LAC 7:XXV.141.K.7.c-e.

10. Whenever any property under a combination liquid spot and bait and baiting systems treatment contract becomes infested with subterranean termites, the operator

shall treat the property according to the minimum specifications as stated in LAC 7:XXV.141.K.

L. Requirements for Retreats

1. Retreatment of existing slab-type construction shall treat following the label and labeling and the following minimum specifications.

a. Trench and treat 10 feet on both sides of live subterranean termite infestation site(s) and/or a breach(s) in the treated zone around the perimeter of the structure, adjacent to the foundation wall. All trenches must be approximately 4 inches wide at the top, angled toward the foundation and sufficiently deep (minimum 6 inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be 4 inches.

b. Rod under or drill through abutting slab(s) and treat all areas in the abutting slab(s) within the 20 feet as required in LAC 7:XXV.141.K.1.a. When the abutting slab is drilled, the holes must be no more than 18 inches apart along the above stated areas unless the label requires closer distance.

c. Treat bath trap(s) as per label and labeling when live subterranean termites or a breach(s) in the treated zone occur. Bath trap(s) access hole of a minimum of 6 x 8 inches shall be provided to all bathtub plumbing.

i. If the soil in a trap does not reach the bottom of the slab, the trap must be filled to within 2 inches of the top of the slab with soil prior to treatment. Treat bath trap(s) as required by label and labeling.

ii. A tar filled bath trap must also be drilled and treated as required by label and labeling.

iii. If bath trap is solid concrete pour, it must be drilled and treated as close as practical to the bathtub plumbing.

2. Retreatments of existing pier-type construction with a live subterranean termite infestation(s) and/or a breach(s) in the treated zone shall liquid treat to the following minimum specifications.

a. Trench and treat 10 feet on both sides of a breach(s) in the treated zone or an infestation site(s) on chain wall(s) and all piers within 10 feet of an infested or breached pier or chain wall. Trench, drill, and treat as required in LAC 7:XXV.141.

3. Minimum specification treatments shall not include areas properly waived in initial treatment contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004).

Bob Odom
Commissioner

0408#030

RULE

**Department of Economic Development
Office of the Secretary
and
Office of the Governor
Office of Financial Institutions
Office of the Commissioner**

Capital Companies Tax Credit Program
(LAC 10:XV.331)

The Louisiana Department of Economic Development (herein referred to as DED), Office of the Secretary, and Office of the Governor, Office of Financial Institutions, Office of the Commissioner, 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., has adopted following amendment to the rules of the Capital Companies Tax Credit Program. The 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
§331. Qualified Technology Funds**

A. An applicant seeking designation as a qualified technology fund shall provide to the secretary the following information along with the request for this designation:

1. the charter documents for the entity that will constitute the qualified technology fund;

2. copies of any management agreements to which the qualified technology fund contemplates being a party, and a description of any contemplated comparable arrangement;

3. a reasonably detailed description of how the qualified technology fund meets and will continue to meet the criteria of R.S. 51:1923(16);

4. a copy of the qualified technology fund's investment policy;

5. evidence in form and substance acceptable to the secretary by which the qualified technology fund agrees to make all of the investments made by it with the proceeds of any investment from a certified Louisiana capital company in qualified Louisiana technology-based businesses, as required by R.S. 51:1923(16)(b);

6. a written undertaking of the qualified technology fund in form and substance acceptable to the secretary by which the qualified technology fund agrees that the commissioner shall regulate the investment of the certified capital received by the qualified technology fund as required by R.S. 51:1923(16)(d);

7. a written undertaking of the qualified technology fund in form and substance acceptable to the secretary by which the qualified technology fund agrees to provide:

a. to the secretary by August 1 of each year the information required to be included in the secretary's report described in R.S. 51:1927.2, with respect to the operations and investments of the qualified technology fund, to the

extent that such information is relevant to the qualified technology fund; and

b. to the commissioner the information required by R.S. 51:1926(F), by the dates set forth therein, to the extent that such information is relevant to the qualified technology fund; and

8. such additional information as may be requested by the secretary with regard to the qualified technology fund or its ownership, management or operations.

B. A qualified technology fund shall be designated by the secretary for purposes of qualifying an investment in the qualified technology fund under R.S. 51:1923(12)(d) if the applicant meets the criteria set forth in each of Paragraphs 1 through 4 of this Subsection B, or if it meets such additional or other criteria determined by the secretary from time to time.

1. The applicant has delivered to the secretary all of the information required by Subsection A of this Section.

2. The information delivered to the secretary pursuant to this Section demonstrates that the qualified technology fund meets the criteria under R.S. 51:1923(16).

3. The information delivered by the applicant shall demonstrate reasonable prospects for the qualified technology fund to invest the following percentages of each of the qualified technology fund's investment pools within the following time periods:

a. on or before the second anniversary of the investment date of the investment pool, 50 percent of the investment pool invested in qualified Louisiana-based technology businesses; and

b. on or before the third anniversary of the investment date of the investment pool, 100 percent of the investment pool invested in qualified Louisiana-based technology businesses.

4. The charter and/or management documents with respect to the applicant shall provide that:

a. the non-certified capital company representatives involved with the management of the applicant have the authority to appoint a majority of the members (including the chairman) of each of:

i. the board of directors, board of managers or other similar governing authority of the applicant and any entity responsible for the direction of the applicant's investment decisions; and

ii. any committee of the board of managers, board of directors or other similar governing authority of the applicant with the authority to approve investment decisions and any such committee of any entity responsible for the direction of the applicant's investment decisions; provided that the certified Louisiana capital companies investing in the qualified technology fund may retain a right to representation on any such boards or committees and a right to veto, by majority vote of those certified capital companies present and voting at any meeting for such purpose, investment decisions of such boards or committees;

b. the qualified technology fund shall have management representation from at least one of the Louisiana research parks identified in R.S. 51:1923(16)(a) or any other technology park certified by the secretary;

c. each member of any board, committee or other governing authority of the applicant or any entity responsible for applicant's investment decisions shall

disclose in writing all conflicts of interest with respect to any prospective investment by the applicant (except for conflicts of interest existing solely because of a prior investment by the qualified technology fund or any investment pool or subsidiary thereof) and no such member may vote on any such matter; provided that, the fact that a business is located at or is being assisted or incubated by a Louisiana research park or other technology park shall not in and of itself constitute a conflict of interest for a representative of the park serving on the board of director or any committee of the qualified technology fund with respect to matters relating to that business; and

d. the applicant may not invest in any qualified Louisiana-based technology business in which a certified Louisiana capital company that is a participant in the qualified technology fund has previously invested except for a follow-on investment by the qualified technology fund to the extent that the certified Louisiana capital company's first investment in the qualified Louisiana-based technology business was closed contemporaneously with or after a previous investment by the qualified technology fund, and further provided that the investment by the qualified technology fund does not serve to directly or indirectly repay or refund all or a portion of the certified Louisiana capital company's previous investment.

C. Qualified technology funds which are approved by the secretary pursuant to this Section shall be subject to the following additional provisions.

1. The information provided by a qualified technology fund to the office or the department shall be subject to R.S. 51:1926(D) and 51:1934.

2. A qualified technology fund shall not make any investment in any qualified Louisiana-based technology business if either:

a. the business is involved in any of the lines of business identified in R.S. 51:1926A(3); or

b. if after making the investment the total investment outstanding in such business and its affiliates would exceed the greater of:

i. twenty-five percent of the total certified capital invested by certified Louisiana capital companies in the qualified technology fund; or

ii. \$500,000.

3. No initial investment by the qualified technology fund in a qualified Louisiana-based technology business, when aggregated with all other investments by the qualified technology fund in such business which are made within the 12 month period following the date of the initial investment, will exceed the greater of:

a. fifteen percent of the total certified capital invested by certified Louisiana capital companies in the qualified technology fund; or

b. \$300,000.

4. Before any investment is made by a qualified technology fund, the qualified technology fund shall obtain an affidavit from the qualified Louisiana-based technology business in the form required by R.S. 51:1926(G).

5.a. All distributions made by a qualified technology fund to a certified Louisiana capital company which has invested in the qualified technology fund shall constitute certified capital which is subject to the requirements of R.S. 51:1928(C).

b. A qualified technology fund shall not make any payment or distribution to any CAPCO or affiliate of a certified Louisiana capital company which has invested in it that is not covered by Subparagraph C.5.a of this Section unless approved in advance by the secretary.

6.a. An investment by a certified capital company in a qualified technology fund that is approved by the secretary in accordance with this Section shall be deemed to "further economic development within Louisiana" for purposes of R.S. 51:1923(12); provided that each investment by a qualified technology fund in qualified Louisiana technology-based businesses must:

i. "further economic development within Louisiana" as provided by rule with respect to qualified Louisiana businesses; and

ii. consist of the investment of cash and result in the acquisition of either:

(a). non-callable equity in a qualified Louisiana technology-based business; or

(b). a note issued by a qualified Louisiana technology-based business with a stated final maturity date of not less than three years; provided that the aggregate of all investments by the qualified technology fund in debt instruments with a stated maturity of less than five years may not exceed 25 percent of the total certified capital invested by certified capital companies in the qualified technology fund.

b. The qualified technology fund need not be a Louisiana business and industrial development corporation to provide financing assistance to qualified Louisiana technology-based businesses.

7. The aggregate management fees charged by a certified Louisiana capital company and a qualified technology fund with respect to funds invested by the certified Louisiana capital company in the qualified technology fund shall not exceed the amount permitted by R.S. 51:1928(C)(3).

8. The qualified technology fund shall submit to the commissioner, on or before April 30th, annual audited financial statements which include the opinion of an independent certified public accountant.

9. The commissioner shall conduct an annual review of the qualified technology fund and its various investment pools similar to the annual review of certified capital companies pursuant to R.S. 51:1927(A).

D. An investment by a certified Louisiana capital company in a qualified technology fund approved by the secretary pursuant to this Section shall constitute an investment and a qualified investment for purposes of R.S. 51:1926(A)(1) and (2) on the date that the certified Louisiana capital company makes the investment in the qualified technology fund or in an investment pool sponsored and administered by the technology fund if the investment by the certified Louisiana capital company is in cash and is either in the form of equity which is not subject to redemption prior to the third anniversary of the date of investment or debt which has a stated final maturity date of not less than three years from the origination of the debt investment in the qualified technology fund.

E. An investment by a certified Louisiana capital company in a qualified technology fund approved by the secretary pursuant to this Section shall not constitute a qualified investment for purposes of 51:1927(C)(1), (2) and (3) and 51:1928(B)(3) until the qualified technology fund has invested an amount equal to 100 percent of the investment pool which includes the investment by the certified Louisiana capital company. If as of the third anniversary of the investment date of the investment pool which includes a certified Louisiana capital company's investment in a qualified technology fund the qualified technology fund has failed to invest 100 percent of the investment pool in qualified Louisiana-based technology businesses in accordance with R.S. 51:1923(16) and this Section, the certified Louisiana capital company may demand repayment or redemption of its pro rata share of the uninvested portion and:

1. the invested portion with respect to such certified Louisiana capital company shall be considered to have been invested in qualified investments for purposes of R.S. 51:1927.1(C)(1), (2) and (3) and R.S. 51:1928(B)(3); and

2. the uninvested portion returned to the certified Louisiana capital company shall thereafter only be deemed to have been invested in a qualified investment for purposes of R.S. 51:1927.1(C)(1), (2) and (3) and R.S. 51:1928(B)(3) when such funds are invested in qualified investments in qualified Louisiana-based technology businesses; and

3. the repayment or redemption shall not adversely affect the status of such funds as having been invested in a qualified investment for purposes of R.S. 51:1926(A)(1) and (2).

F. For purposes of this Section, the term "investment pool" means not less than all of the cash invested by certified Louisiana capital companies in a qualified technology fund on the same day.

G. A qualified technology fund may organize separate entities to separate the investments which comprise its different investment pools so long as each such separate entity is organized and managed in a manner materially the same as approved by the secretary pursuant to this Section. Each separate entity shall be subject to regulation as a "qualified technology fund" but need not be separately approved as such by the secretary.

H. The secretary shall respond to an application to become a qualified technology fund within 30 days of receipt of the information required by Subsection A of this Section.

I. To become certified as a "technology park" that is permitted to be involved in the management of a qualified technology fund pursuant to R.S. 51:1923(16)(a) (in addition to the entities specifically enumerated in R.S. 51:1923(16)(a)), an applicant shall submit to the secretary:

1. the charter documents for the applicant;

2. a detailed description of the management and operations of the applicant;

3. a statement showing all owners, operators, managers, beneficiaries or other interest holders of the applicant who benefit financially (directly or indirectly) from the operations of the applicant;

4. a list of qualified Louisiana-based technology businesses that have been assisted by the services provided by the applicant and a list of references from those entities, with contact information;

5. a copy of the applicant's mission statement, goals, purposes or other similar statements;

6. the audited financial statements of the applicant from the prior fiscal year with an opinion of independent certified public accountants;

7. information from which the secretary can determine whether the applicant meets the criteria of a Louisiana research park, as defined in R.S. 51:1923(11); and

8. such additional information as may be requested by the secretary with regard to the applicant.

J. The secretary shall approve an applicant as a "technology park" for purposes of participating in the management of a qualified technology fund if the applicant meets the following criteria or such additional or other criteria determined by the secretary from time to time:

1. the applicant is a Louisiana research park, as defined in R.S. 51:1923(11); and

2. in the secretary's reasonable opinion, the information delivered by the applicant to the secretary demonstrates that the applicant has a history and a mission materially contributing to the economic development of the state of Louisiana by providing assistance to qualified Louisiana-based technology businesses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1929 and 1935.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, and the Office of the Governor, Office of Financial Institutions, Office of the Commissioner, LR 30:1616 (August 2004).

Michael J. Olivier
Secretary

0408#014

RULE

Board of Elementary and Secondary Education

Bulletin 111C Louisiana School, District,
and State Accountability System
(LAC 28:LXXXIII.514, 703,
1505, 1701, 3101, and 3109)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted revisions to *Bulletin 111C The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). 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 changes more clearly explain and refine existing policy as follows: school performance scores; subgroup performance scores; exiting school improvement; and appeals process.

Title 28

EDUCATION

Part LXXXIII. Bulletin 111C Louisiana School, District, and State Accountability System

Chapter 5. Calculating the NRT Index

§514. Subgroup Performance Scores (GPS)

A.1. A Growth GPS is calculated using one year of data (CRT, NRT, attendance, and for schools with grades higher than grade 6, dropouts)

2. A Baseline GPS, except in cases involving new schools (Chapter. 33), is calculated using two years of data.

3. The Growth GPS minus the Baseline GPS determines if the subgroup made adequate growth for the school to be considered for exemplary academic growth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1619 (August 2004).

Chapter 7. Subgroup Component

§703. Inclusion of Students in the Subgroup Component

A. - E. ...

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 proficient 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 proficient 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.

C.2. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:1619 (August 2004).

Chapter 15. School Improvement (formerly called Corrective Actions)

§1505. Exit from School Improvement

A. A school shall exit school improvement when the fall accountability results indicate:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:1619 (August 2004).

Chapter 17. Requirements for Schools in School Improvement (SI)

§1701. School Improvement 1 Requirements

A. - B.4. ...

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. Within 90 days of initial identification, 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. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2746, amended LR 30:1619 (August 2004).

Chapter 31. Data Correction and Appeals/Waivers Procedure

§3101. Appeals/Waivers Process

A. ...

B. 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 29:2751 (December 2003), amended LR 30:1620 (August 2004).

§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. Appeal recalculations shall be made using the information provided to the LDE in the following instances:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:1620 (August 2004).

Weegie Peabody
Executive Director

0408#002

RULE

Board of Elementary and Secondary Education

Bulletin 741 **C**Louisiana Handbook for School Administrators **C**High School Graduation Requirements (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741* **C***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). This policy change will require local school districts to offer a

minimum of 50 hours of remediation each year for students who do not pass the Graduation Exit Exam (GEE21). The remediation should be offered in mathematics, English language arts, science, and social studies. This policy change will take effect with the 2004-2005 school year. The current policy regarding remediation for students who fail the Graduation Exit Exam (GEE21) does not give any guidance regarding the amount of remediation that should be provided. The revision adds a minimum amount of time for remediation.

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

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, 272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:2757, 2760 (December 2003), LR 30:394, 395 (March 2004), LR 30:1620 (August 2004).

High School Graduation Requirements

2.099.00 In addition to completing a minimum of 23 Carnegie units of credits, the student shall also be required to pass the Graduation Exit Examination (GEE 21), beginning with the 1991 graduating class. This requirement shall first apply to students classified as sophomores in 1988-89 and thereafter.

The English language arts, writing, and mathematics components of the GEE 21 shall first be administered to students in the 10th grade.

The science and social studies components of the graduation test shall first be administered to students in the 11th grade.

Remediation and retake opportunities will be provided for students that do not pass the test. Students shall be offered 50 hours of remediation each year in each content area they do not pass.

Effective for incoming freshman 2000-2001, a student may apply a maximum of two Carnegie units of elective credit toward high school graduation by successfully completing specially designed courses for remediation.

Effective for the 2000-2001 school year and thereafter, a maximum of one Carnegie unit of elective credit may be applied toward meeting high school graduation requirements by an eighth grade student who has scored at the *Unsatisfactory* achievement level on either the English Language Arts and/or the Mathematics component(s) of the eighth grade LEAP 21 provided the student:

- Successfully completed specially designed elective(s) for LEAP 21 remediation;
- Scored at or above the Basic achievement level on those component(s) of the 8th grade LEAP 21 for which the student previously scored at the Unsatisfactory achievement level.

A student may apply a maximum of two Carnegie units of elective credit toward high school graduation by:

- Earning one elective credit through remediation for 8th grade LEAP 21 and or one elective credit through GEE 21 remediation; or
- Earning two elective credits through GEE 21 remediation.

* * *

Weegie Peabody
Executive Director

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RULE

Board of Elementary and Secondary Education

Bulletin 741 **C**Louisiana Handbook for School Administrators **C**Instructional Time Requirement (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741* **C***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). This policy change will allow local school districts to request a waiver of the instructional time requirement when a natural disaster or catastrophe occurs within the last 30 days of school. The waiver request must explain the reasons why such school or school system cannot meet the requirements and any efforts made by the school or school system toward meeting the requirements. This change was required by Act 915 of the 2003 Regular Legislative Session and signed by the governor.

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 by the Board of Elementary and Secondary Education in LR 28:269, 272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:2757, 2760 (December 2003), LR 30:394, 395 (March 2004), LR 30:1621 (August 2004).

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1.009.16 Each school system shall adopt a calendar for a minimum session of 182 days, of which at least 177 days shall be scheduled to provide the required instructional time.

Waivers of instructional time due to natural catastrophes or disasters may be granted when the school closure occurs within the last 30 calendar days of the school year with the certification of the State Superintendent of Education and the approval of the State Board of Elementary and Secondary Education. Prior to requesting a waiver, the school system should submit its proposed schedule revisions in its automated school calendar file to the State Department of

Education for processing. The revised calendar file should reflect all information necessary to verify any time changes by district, school or grade necessitated by the emergency. After processing the revised calendar file, the system will receive a report reflecting the total instructional days calculated from the data provided.

If the revised schedule does not meet the minimum instructional days requirement and good reasons exist that prevent the system from meeting the requirement, the school system may request the waiver by submitting a letter to the State Superintendent of Education. The letter must contain documented information explaining the reasons why such school or school system cannot meet the requirements and any efforts made by the school or school system toward meeting the requirements. The waiver shall apply to an entire school system only if every school within the system is forced to close for the same reason, for the same time, due to the same natural catastrophe or disaster. A waiver will not be granted if no impediment exists that would prevent a school or school system from meeting the instructional time requirements by extending its school year.

Refer to R.S. 17.154.

Effective with the 2001-02 school year, the length of the school year shall consist of 182 days of which no fewer than 177 days, or the equivalent, shall be used to provide instruction to students; two (2) days shall be for staff development; the remaining days may be used for emergencies and/or other instructional activities.

If a daily schedule must be abbreviated, the schedule must be abbreviated in such a manner to ensure that all classes are taught during the partial day.

Each school system may include in its calendar a provision for dismissal of senior students prior to the end of the school year. This provision is not to exceed 10 days of instructional time.

Each school system may authorize some or all of its schools to modify the total number of instructional minutes per day and instructional days per year provided that 63,720 minutes of instructional time per year are met.

General election day shall be designated by each school system as a holiday every four years for the presidential election.

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RULE

Board of Elementary and Secondary Education

Bulletin 746 **C**Louisiana Standards for State Certification of School Personnel **C**Validity, Reinstatement, Renewal, and Extension of Certificates (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746* **C***Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. These changes to current Bulletin 746

policy add language for the implementation of Continuing Learning Units (CLUs) and High Quality Professional Development. This added language streamlines current policy and aligns Bulletin 746 policy with No Child Left Behind Act of 2001 requirements.

**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, 541 (April, July, September, December 1975), amended LR 28:2500, 2501, 2502, 2505 (December 2002), LR 29:117, 119, 121 (February 2003), LR 30:1622 (August 2004).

* * *

**Validity, Reinstatement, Renewal,
and Extension of Certificates**

A Continuing Learning Unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. The CLU is a unit of measure used to quantify an educator's participation in a district/system-approved, content-focused professional development aligned with the educator's individual professional growth plan.

Educators may earn one CLU for each clock hour of active engagement in a district/system-approved high quality professional development.

Each educator is responsible for maintaining required documentation and reporting of earned CLUs in a manner prescribed by the district/system. Earned CLUs transfer across Local Education Agencies (LEAs).

Educators needing CLUs to meet the No Child Left Behind requirements for "highly qualified" under the Louisiana High Objective Uniform State Standard of Evaluation (HOUSSE) option must earn a total of 90 CLUs. Educators needing CLUs under Louisiana's HOUSSE option must earn 90 CLUs between January 8, 2002 and the end of the SY 05-06. All teachers holding Level 2 and Level 3 certificates will be required to undergo 150 Continue Learning Units (CLUs) of professional development during a five-year time period in order to have their certificates renewed for five years, beginning with the date of issuance of the Level 2 or Level 3 license.

Tracking CLUs for Highly Qualified HOUSSE Option

The LEA is responsible for maintaining documentation for educators seeking the "highly qualified" status as defined by No Child Left Behind Act through the HOUSSE option (i.e., 90 CLUs) as evidenced by the:

- a. identification of teachers in their employment using the HOUSSE option;
- b. annual update on each identified teacher's status (progress) toward earning the required 90 CLUs.

Tracking CLUs for Purposes of Relicensure

An educator holding a Level 2 or Level 3 Professional license is responsible for maintaining documentation

regarding the acquisition of 150 CLUs for purposes for relicensure and is responsible for completing the necessary paperwork every five years to renew his/her license. Upon submission of the relicensure application, the district is responsible for providing a signed assurance statement by LEA superintendent or designee with the required listing of earned CLUs as documented by the educator seeking relicensure.

Type B and A certificates shall be valid for life; and Level 2 and Level 3 certificates shall be valid for five years and renewable with 150 Continuing Learning Units (CLUs) of professional development. The period of validity is subject to the provision that the holder does not allow any period of five or more consecutive calendar years of disuse to accrue and/or the certificate is not revoked by the State Board of Elementary and Secondary Education acting in accordance with law. Type B, Type A, Level 2, and Level 3 certificates shall lapse for disuse if the holder thereof shall allow a period of five consecutive calendar years to pass in which he or she is not a regularly employed teacher for at least one semester (90 consecutive days).

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RULE

Board of Elementary and Secondary Education

Bulletin 996 **L**ouisiana Standards for Approval of Teacher Education Programs **C**Teacher Preparation Program (LAC 28:XLV.Chapters 9 and 11)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 996 Louisiana Standards for Approval of Teacher Education Programs*, referenced in LAC 28:I.905.A. The state is engaged in a partnership agreement with the National Council for the Accreditation of Teacher Education (NCATE), making NCATE standards fully operational for the accreditation of Louisiana institutions of higher education. This change to current Bulletin 996 policy deletes from the list of state standards those that are included within the NCATE standards to eliminate redundancy between the two sets of standards.

**Title 28
EDUCATION**

**Part XLV. Bulletin 996 Standards for Approval of
Teacher Education Programs**

**Chapter 9. Louisiana State Supplement for Teacher
Preparation Program Approval**

§901. Introduction

A. Each teacher preparation program seeking approval from the Louisiana State Board of Elementary and Secondary Education (LSBESE) is required to incorporate and adhere to the NCATE standards and to track closely the NCATE accreditation process. Each Louisiana university is required to develop a report describing how the unit is addressing the key state initiatives as identified and delimited in the Louisiana State Supplement for Teacher Preparation Program Approval. It is the responsibility of the teacher preparation program to prepare and present a clear

description of how it is responding to each of the Louisiana Standards.

B. The rubrics, as listed, develop a continuum of quality regarding a beginning teacher's ability to meet effectively the requirements of the five domains in *The Louisiana Components of Effective Teaching*. The integration of the Louisiana Content Standards is to be evidenced in the teacher education curricula of each teacher education unit. Each teacher education program must show evidence of integration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1733 (August 2002), amended LR 30:1622 (August 2004).

Chapter 11. The Components of Effective Teacher Preparation

Subchapter C. - F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), repealed LR 30:1623 (August 2004).

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RULE

Board of Elementary and Secondary Education

Bulletin 1508 **C** Pupil Appraisal Handbook
(LAC 28:CI.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted *Bulletin 1508 **C** Pupil Appraisal Handbook*. Bulletin 1508 will be printed in codified format as LAC Title 28, Part CI of the *Louisiana Administrative Code*. This document replaces any previously advertised versions. Bulletin 1508 is regarded as regulatory guidance for conducting pupil appraisal services in the state of Louisiana. The purpose of this action is to give Bulletin 1508 the regulatory weight necessary for in hearings and court procedures. It includes procedures, standards, and criteria for identifying children eligible for special education and/or related services. A general description of pupil appraisal services encompasses personnel, responsibilities, rights of students and parents, and timelines to be observed. Specific descriptions are provided for each exceptionality including the definition, screening, criteria, evaluation, and reevaluation procedures. This handbook is intended to comply with *Bulletin 1706: Subpart A **C** Regulations for Students with Disabilities (R.S.17:1941 et seq.)*, *Bulletin 1706: Subpart B **C** Regulation for Gifted/Talented Students* and the regulations governing the Individuals with Disabilities Education Act (IDEA), 34 CFR §300.309.

Title 28

EDUCATION

Part CI. Bulletin 1508 **C Pupil Appraisal Handbook**

Chapter 1. Pupil Appraisal Services

§101. Description

A. Pupil appraisal services are an integral part of the total instructional program of school system. The purpose of pupil appraisal services is to assist students who have learning problems, adjustment problems, or other special needs by providing services to students, parents, teachers, and other school personnel. Some examples are provided below:

1. assistance to teachers in the development and implementation of behavioral and/or instructional interventions;

2. evaluation of students to determine whether they are exceptional and in need of special educational services;

3. consultation with parents, students, teachers, and other personnel on topics such as instructional or behavioral modifications, exceptional students, and student development;

4. staff development with school personnel on selected topics;

5. interpretation of evaluation findings to school personnel and parents;

6. direct support services to students with learning or behavioral problems;

7. related services to students with exceptionalities.

B. Pupil appraisal personnel are not limited to providing services solely to students referred for an individual evaluation. Many students experiencing learning problems can be helped through recommendations made by pupil appraisal personnel for use in the regular classroom, enabling the student to benefit from instruction in the general education curriculum and eliminating the need for a referral for an individual evaluation. Major functions of pupil appraisal personnel are to be child/student advocates and to assist students to remain in and profit from the regular educational program, whenever possible. When a student, as a result of an individual evaluation, qualifies for special educational services, pupil appraisal personnel will recommend services needed to assist the teachers and parents of the student in providing an appropriate special educational program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1623 (August 2004).

§103. Qualified Examiners

A. Individuals with Disabilities Education Act (IDEA) and Louisiana Revised Statutes 17:1941 et seq. require that a student suspected of being exceptional receive a comprehensive multidisciplinary evaluation conducted by qualified examiners. Qualified examiners include pupil appraisal professionals certified by the State Department of Education and professionals from other agencies or in private practice, as described in this section.

1. Professional members of a pupil appraisal system include certified educational assessment teachers or

diagnosticians; qualified school social workers; school nurses; adapted physical education teachers; speech/hearing/language specialists, speech/language pathologists, speech and hearing therapists; occupational therapists; physical therapists; audiologists; and certified school psychologists.

2. School systems shall regularly employ certified pupil appraisal personnel to conduct individual evaluations, but may also employ others as listed below:

a. qualified examiners available from the Department of Health and Hospitals, the Department of Public Safety and Corrections, the State Board Special Schools, or other public agencies;

b. private qualified examiners contracted to provide specialized assessments;

c. the student's teacher(s) as member(s) of the evaluation team;

d. a combination of the approaches listed above.

3. Regardless of the approach used for conducting individual evaluations, school systems retain full responsibility for the individual evaluation. Any failure by an employee or contractor to meet the requirements of this Handbook constitutes a failure by the school system to comply with *Bulletin 1706 Regulations for the Implementation of the Children with Exceptionalities Act*, R.S. 17:1941 et seq.

4. Professionals in private practice who provide evaluations for educational use must meet the standards of and comply with the rules and regulations set by their respective statutory professional boards. Certification by the State Board of Elementary and Secondary Education is not required for these persons; however, educational assessment teachers/diagnosticians or educational consultants are required to be certified by the Department of Education, since licensing for independent practice does not exist.

a. Professionals employed by another state agency must meet the professional standards of that agency and be qualified through training to conduct evaluations.

b. The results of an evaluation conducted by these professionals may be used by a school system in determining a student's eligibility for special educational services. It remains the school system's responsibility to ensure that the student is evaluated and that his or her eligibility determination has been in accordance with the requirements of this handbook.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1623 (August 2004).

§105. Pre-Referral Activities

A. Overview. A local educational agency (LEA) shall identify a student, enrolled in an educational program operated by the LEA, as suspected of having an exceptionality by the school building level committee (See *Clarification of Terms*.) coordinating and documenting results of the activities described below. For a child not enrolled, screening activities are to be conducted by Pupil Appraisal.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1624 (August 2004).

§107. Screening

A. Educational Screening

1. A review of the results of sensory screening and of the student's educational and health history conducted by school personnel. The evaluation coordinator shall ensure that developmental screening is conducted by pupil appraisal personnel during the evaluation of preschool-aged children

2. A review of the student's academic and social performance, language and communication skills, performance on applicable statewide and district-wide assessment tests.

3. A teacher/parent communication concerning the child/student's specific problem or exceptional skills

4. At least one comprehensive and documented regular education intervention appropriate to the student's age and learning/behavioral problems. This activity is not required for a student suspected of having a speech or language impairment only, being gifted or talented, having a severe or low incidence impairment. It also is not required when there is substantial documentation that the student is likely to injure him/her self or others. Individual interventions may consist of, but are not limited to, techniques such as those listed below:

a. restructuring the classroom/school environment;

b. modification of the student's instructional program;

c. peer tutoring;

d. behavior management plans specific to the behavior of concern;

e. combined home/school behavior change program;

f. individual or group counseling/therapy;

g. remedial/compensatory education.

B. Sensory Screening

1. Hearing Screening

a. Hearing screening is to be considered current only if three conditions are true:

i. normal results have been obtained within the past 24 months for enrolled students and within the past 12 months for non-enrolled students; and

ii. no hearing problems currently are exhibited by the student; and

iii. no history of acute or chronic ear infections or persistent head colds are indicated in the health screening.

b. Child/student is identified as "at-risk" of having a hearing impairment should one of the following conditions exist:

i. failure to respond at 20db in one of 1000, 2000 or 4000 frequencies in at least one ear;

ii. failure to respond at 25db in two or more frequencies in at least one ear;

iii. middle ear pressure outside the range of -200 and +50 mm H₂O in either ear; or

iv. excessively stiff or flaccid tympanogram in either ear.

c. Children/students for whom specific audiometric test results cannot be obtained because of age or degree of involvement or for whom informal hearing test results do not rule out the possibility of a hearing loss should be considered "at risk." The extent of the child/student's hearing loss must be determined, using electrophysiological techniques when necessary.

2. Vision Screening

a. Vision screening is to be considered current only if three conditions are true:

i. normal results have been achieved within the past 24 months for enrolled students and within the past 12 months for non-enrolled children; and

ii. no vision problems are currently being exhibited by the student; and

iii. no history of eye infections, either acute or chronic, is indicated in the health screening.

b. A student's vision is considered "at risk" as dictated by the criteria in the manual of the instrument used for testing. Vision screening must include tests for three conditions:

i. acuity (near point and far point);

ii. color blindness;

iii. muscle balance.

c. If the required techniques are unsuccessful because of the student's immaturity, physical impairment, or mental ability, adapted methods of testing shall be used to determine the extent of the loss.

C. Health Screening

1. Health screening is conducted only when there is some concern with the health status of the student.

2. A student's health is considered "at risk" if through history, observation, and other procedures, health problems are noted.

D. Speech and Language Screening

1. Speech and language screening is conducted only on those students about whom there is some concern with communication skills.

2. The tasks, items, or tests used in screening should include a sampling to determine pertinent skills or conditions:

a. auditory processing skills (e.g., reception, discrimination);

b. articulation;

c. receptive and expressive language;

d. voice;

e. fluency;

f. oral motor functioning;

g. oral structure.

E. Motor Screening

1. Motor screening is accomplished through the observation of the student's gross and fine motor skills by the teacher responsible for providing physical education to the student and if necessary in consultation with the teacher responsible for classroom based activities. The evaluation coordinator shall ensure that motor screening is conducted by pupil appraisal personnel during the evaluation for students not enrolled in school. If the screening indicates any of the following conditions, then a motor and/or assistive technology assessment may be needed:

a. lack of strength, endurance, flexibility;

b. difficulty with balance activities;

c. failure to show opposition of limbs when walking, sitting, or throwing;

d. lack of control with ball skills;

e. difficulty in crossing the vertical midline;

f. poor sense of body awareness;

g. difficulty in remembering motor sequences;

h. ability to deliver written communications.

F. Assistive Technology Screening

1. Assistive Technology screening is accomplished through an observation of the student's skills and educational environment. An assistive technology assessment may be needed if the screening results indicate the student has difficulty in any of the following areas:

a. verbal communication;

b. written communication;

c. access to the curriculum;

d. working independently to complete educational activities.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1624 (August 2004).

§109. SBLC Determination Options

A. The School Building Level Committee (SBLC), with the parent as an invited participant, shall review and analyze all screening data, including intervention results, to determine the most beneficial option for the student. The Committee's options include, but are not limited to one of the following actions:

1. conduct no further action at this time;

2. conduct additional interventions;

3. refer the student to appropriate committee to conduct an evaluation to determine Section 504 eligibility;

4. refer the student to pupil appraisal personnel for support services;

5. refer the student to pupil appraisal personnel for an individual evaluation.

B. Parents must be provided a report or summary by the SBLC on the status of the referral intervention at least once each grading period until a decision is reached. If the parent(s) disagrees with the SBLC decision, the parent(s) must be provided a copy of his or her rights, which include a right to a due process hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1625 (August 2004).

§111. Referral Process

A. The School Building Level Committee's referral of the student to pupil appraisal personnel for an evaluation that determines a student's eligibility for services shall be made through the principal/designee and shall include documentation of all screening activities.

B. An immediate referral may be made to pupil appraisal services for an individual evaluation of any student suspected of a severe or low-incidence impairment; or based on substantial documentation by school building level personnel, of any student suspected of being likely to injure him/her self or others. Screening activities should be completed as part of the evaluation for these students.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1625 (August 2004).

§113. Parental Participation

A. Participation by parents is crucial in all meetings in which decisions are being made regarding their child in the area of identification and evaluation. Parents must be provided the opportunity to participate, at a minimum, in the meetings listed below:

1. the School Building Level Committee meeting in which a decision will be made whether to refer the student to pupil appraisal personnel for an individual evaluation;

2. the evaluation team meeting to consider the results of the data and determine eligibility;

3. the re-evaluation meeting of the IEP Team to determine the continued need for special education and related services.

B. For an initial evaluation or re-evaluation, the school system must obtain informed parental consent. Parents must be given a printed copy of their rights at the time of the request for parental consent. If the parent denies or fails to give informed consent for the individual evaluation, the LEA may appeal to the appropriate state court. If the parent withholds consent for the re-evaluation, the LEA may request a due process hearing following the procedures described in Chapter 5 of *Bulletin 1706*. A LEA may not use the parent's refusal to consent to deny the parent or student any other service, benefit, or activity of the LEA except as required by *Bulletin 1706*.

C. In the instance in which the parent fails to respond, informed parental consent need not be obtained for the re-evaluation, if the LEA can demonstrate that it has taken reasonable measures to obtain that consent.

D. A meeting may be conducted without a parent in attendance when the local educational agency is unable to convince the parents that they should attend. In this case, the LEA must have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parent's home or place of employment and the results of those visits. Regardless, it is important that the parent be invited and included in the evaluation process. Documentation of efforts to involve the parent must be maintained.

E. Informed parental consent is not required before reviewing existing data as part of an evaluation or re-evaluation or before administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

F. At the conclusion of the evaluation meeting where eligibility is determined, if the parents disagree with the consensus of the team, the LEA must afford the parents the right to challenge the evaluation report in accordance with procedural safeguards.

G. Parents must be given a copy of the evaluation report, the documentation of eligibility and their procedural safeguards, including the right to an Independent Education Evaluation. (See §115.H, Individual Evaluation, Independent Education Evaluation.)

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1625 (August 2004).

§115. Individual Evaluation

A. Evaluation Process. The final determination of whether or not a student is an exceptional student, and the nature and extent of needed special educational and related services must be based on a comprehensive assessment, integrating information drawn from different assessment

sources. The depth of the assessment will vary based on the suspected exceptionality, review of screening information, and data collected during the evaluation process. All assessments shall be conducted in accordance with this Bulletin.

B. Definition. An *evaluation* is defined as a systematic process of review, examination, and interpretation of intervention efforts, test results, interviews, observations, relevant functional and developmental information including information from the parent and other assessment information relative to predetermined criteria. The product of the evaluation is a report containing professional interpretation of the child/student's performance within various settings, those factors affecting the student's performance, the nature and extent of the child/student's disability and/or exceptional ability, and the need for special education and related services, other interventions, or instructional adjustments. Evaluation is not synonymous with testing. The ultimate goal of the individual evaluation process is to provide information to educators and parents, which will facilitate future educational programming for the student. The evaluation for eligible students shall also assist in determining the content of the child/student's Individualized Education Program/Individualized Family Service Plan (IEP/IFSP), including information related to enabling the student to be involved in and progress in the general curriculum and activities; or for preschool children, to participate in appropriate activities.

C. Evaluation Objectives. The objectives of an individual evaluation are quite specific:

a. to determine the present levels of performance including performance in the general curriculum;

b. to determine whether the student is an individual with an impairment or condition which would result in the student being classified as exceptional;

c. to determine the nature and extent of such impairment or condition;

d. to determine the effect of the impairment or condition on the educational performance of the student in the general curriculum and activities;

e. to determine the need for special education and related services, including educational strengths and support needs of the student;

f. to recommend types of instruction, accommodations, additions, modifications, and related services to meet the assessed needs of the student that will enable him or her to participate, as appropriate, and in the general curriculum and activities.

D. Required Individual Evaluation

1. An initial individual evaluation shall be conducted whenever the student is not enrolled in special education and specific conditions exist.

a. Informed parental consent for the initial individual evaluation has been requested and received by the LEA. If a request was made for an evaluation during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner as noted in Section J. Evaluation Timelines.

b. If the Local Education Agency (LEA) suspects that the student is exceptional, an evaluation must be conducted. If the LEA does not suspect that the student is exceptional, then it may refuse to conduct an evaluation. The SBLC, through interventions, may attempt to resolve the

student's problems. When an LEA refuses to initiate an evaluation upon parental request, the parents must be given a written explanation of the reason for the decision according to the requirements listed in §504 of *Bulletin 1706* and provided a copy of their rights, which include the right to a due process hearing.

c. A final written decision has been issued by a court of competent jurisdiction requiring that an individual evaluation be conducted.

d. A written request for an individual evaluation has been issued by a state appointed hearing officer or appeals panel.

2. Individual Re-evaluation

a. An individual re-evaluation shall be conducted by the IEP Team and the evaluation coordinator if conditions warrant, but at least once every three years, whenever the student is enrolled in special education or when one of the following five events occurs.

i. The re-evaluation is requested in writing by the student's teacher or by the LEA's special education director/supervisor.

ii. The re-evaluation is requested in writing by the student's parent(s)- (a request for a reevaluation may be presented orally if the parent is illiterate in English or has a disability that prevents the production of a written statement).

iii. A significant change in educational placement of a student is proposed by the school system, the parent, or both.

iv. A final written decision has been issued by a court of competent jurisdiction requiring that an individual evaluation be conducted.

v. A student is suspected of no longer having a disability and no longer in need of services.

b. For eligible students with disabilities not currently receiving special education services, a re-evaluation shall be conducted unless refused by the parent(s).

3. A school system is not required to conduct a re-evaluation of an exceptional student who transfers with a current evaluation into its jurisdiction from another jurisdiction in Louisiana. Should the receiving LEA question the accuracy or the appropriateness of the student's classification, a re-evaluation may be initiated after an IEP has been developed and the student is receiving special educational services.

E. Evaluation Coordination

1. Upon identification of a student suspected of being exceptional and when conducting a re-evaluation, a qualified pupil appraisal staff member shall be designated as evaluation coordinator.

2. While this assignment is the responsibility of the individual designated by the school system to direct the pupil appraisal system, it is recommended that the evaluation coordinator be selected on a case-by-case basis by and from the pupil appraisal personnel assigned to the school. The determination of the evaluation coordinator shall be based upon the student's specific problems and other factors such as the expertise, caseload, and other responsibilities of each pupil appraisal staff member. Evaluation coordinator is not a position; therefore, one individual shall not be routinely designated this responsibility.

3. Evaluation Coordinators. The pupil appraisal personnel certified by the Louisiana Department of Education may serve as evaluation coordinators in the school system:

- a. educational diagnostician;
- b. certified school psychologist;
- c. speech/language pathologist;
- d. qualified school social worker;
- e. audiologist;
- f. occupational therapist;
- g. physical therapist;
- h. school nurse.

4. Initial Responsibilities of the Evaluation Coordinator. Following receipt of the referral by pupil appraisal for an initial individual evaluation of an identified student, the evaluation coordinator shall ensure that within 10 business days specific activities occur.

a. an interview with the teacher(s) of enrolled students is conducted to clarify specific referral concerns and develop the initial evaluation questions; or

b. an interview with the parent (or other referral source) for students not enrolled in school is conducted to clarify specific referral concerns and develop the initial evaluation questions; and

c. the student's parents are notified of the initial evaluation concerns and the type of evaluation to be conducted, and upon request, are provided advanced notice of the dates and places of assessments, and given the opportunity to participate in meetings including where the identification and eligibility determinations are made;

d. an informed parental consent is requested to conduct the individual evaluation, if not already received;

e. the student is referred to other appropriate agencies for screening/ assessment/evaluation services, when warranted. The student may also be entitled to services other than those available through the educational system.

5. Selection of Participating Disciplines. Upon receipt of informed parental consent for the evaluation, the evaluation coordinator shall ensure that at least two appropriate and qualified personnel representing different disciplines participate in the conduct of the individual evaluation (one of whom shall be the evaluation coordinator). Additional considerations shall apply.

a. If a low incidence sensory impairment is suspected, statewide assessment resources that meet state standards must be considered.

b. If the student is determined to be "at risk" through sensory, motor, or health screening, or if a sensory or other physical/health impairment is suspected, an appropriate assessment must be conducted by a physician or other qualified examiner with specialized training and experience in the diagnosis and treatment of the particular condition.

c. If a student is suspected of having only speech or language impairment, the student's teacher may serve as one of the two qualified personnel.

d. If the student has a documented health or physical impairment; has a history of head or spinal cord injury, seizures, diseases; needs assistance with activities of

daily living; requires medications, health procedures and/or special diet; or has other health problems, the school nurse or other qualified personnel should be a member of the evaluation team.

e. If the student is suspected of having a specific learning disability, the student's regular education teacher (or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or for a child of less than school age, an individual certified by the State Department of Education to teach a child of his or her age) must be a member of the multidisciplinary team. In no case shall the regular teacher replace the qualified pupil appraisal person.

6. Procedural Responsibilities. Throughout the initial evaluation of a student, the evaluation coordinator shall ensure that specific procedures are followed.

a. Each individual evaluation is based on a comprehensive compilation of information drawn from a variety of sources.

b. The evaluation is conducted in accordance with all requirements of this Handbook.

c. The student is evaluated in each area of suspected exceptionality.

d. Full and complete records collected or generated in connection with an individual evaluation are maintained in accordance with confidentiality requirements.

e. The results of any previously conducted specialist's evaluations are obtained through written parental authorization for the release of these records.

f. A meeting of the multidisciplinary evaluation team members, including the parent(s), is scheduled and conducted to determine whether or not the student is exceptional.

g. An integrated report describing the findings and recommendations of the evaluation process, along with the determination of eligibility, is prepared; and a copy is provided to the Supervisor of Special Education or designee.

h. The evaluation findings and recommendations are interpreted for the student's teacher(s).

i. A copy of the integrated report, including any dissenting opinions, along with the determination of eligibility, and an opportunity for an oral explanation of the findings and recommendations was provided to the student's parent(s) prior to the initial IEP/IFSP Team meeting.

j. A pupil appraisal staff member who participated in the evaluation is designated, when necessary, to attend the initial IEP/IFSP Team meeting to assist in the development of the IEP/IFSP.

F. The Individual Evaluation Process determines if a student is exceptional and must consist of all required components as specified for each exceptionality. However, it is permissible to determine a student to be non-exceptional on the basis of selected elements.

1. Initial Individual Evaluation components are specifically defined in the "Procedures for Evaluation" for each exceptionality:

a. screenings, if not previously conducted;

b. a review and analysis of all pre-referral activities and any preexisting evaluation data on the student;

c. an interview with the student;

d. a family interview conducted by the school social worker or other qualified personnel to determine the impact of educational, socioeconomic, environmental, cultural,

developmental, emotional, and/or health/medical factors on the student's educational performance;

e. an interview with the student's teacher(s) in order to specify and define behaviorally the areas of concern, determine the teacher's expectations for the student and class, and clarify any previous interventions;

f. observation and study of the student's physical condition, academic and/or social behaviors in daily activities conducted by pupil appraisal personnel;

g. a determination of the student's instructional level(s) and frustrational level(s) through a classroom-based assessment within the general education curriculum;

h. a functional behavioral assessment conducted or reviewed by a certified school psychologist, a qualified school social worker, or other appropriately trained personnel, when behavior is of concern;

i. an assessment of the student's health status conducted by a school nurse or other qualified personnel when health procedures - such as special diet, medication, blood glucose monitoring, seizure management, modified activities of daily living, and respiratory treatments - are required by the student;

j. the development and implementation of individual interventions, as defined below, conducted or directed by pupil appraisal personnel for a reasonable period of time [the intervention(s) must be relevant to the referral concern(s)]:

i. individual behavioral interventions must be designed to improve or determine whether sufficient improvement can be made in the student's behavior in the general education setting with regular education accommodations/modifications/adaptations;

ii. individual instructional interventions within the general education curriculum must be designed to determine how the student learns best and to determine his or her rate of acquisition, degree of comprehension, and extent of retention of curriculum materials, when compared to grade and teacher expectations and to that of his or her peers;

iii. the intervention requirement may be waived in circumstances in which the multidisciplinary team, after a thorough review and analysis, determines that previously conducted interventions meet the requirements as stated in the "Procedures for Evaluation" for designated exceptionalities. Interventions conducted prior to the initiation of the individual evaluation must include systematic measurement, pre and post tests, etc. in order to be substituted for the intervention requirement. All intervention results must be analyzed and included in the evaluation report. Individual interventions may consist of numerous techniques such as restructuring the classroom/school environment, peer tutoring, classroom-based reinforcement technique(s), behavioral interventions in the classroom, combined home/school behavioral change program, individual or group counseling/therapy, modification of the general curriculum and/or instructional approach, medication, other health procedures and health related services;

iv. systematic measurement of learning and/or social behaviors of concern conducted prior to and following implementation of the intervention, or prior to with repeated measures during the intervention;

v. an analysis of the results of the individual intervention(s);

k. educational or developmental, and/or adaptive behavioral assessments, as warranted;

l. psychological, social, and medical assessments;

m. speech and language assessments and/or assessment of the communication mode of the student;

n. an assistive technology assessment as warranted;

o. transitional needs addressed as part of all evaluations occurring after the 14th birthday of a student with disabilities (see §115.F.4);

p. other assessments (e.g., orientation and mobility, determined to be necessary by the multidisciplinary team.

2. If the primary determinant factor is a lack of instruction in reading or mathematics or limited English proficiency, a student may not be determined to be a student with a disability.

3. For re-evaluations, an appropriate evaluation coordinator will be assigned. Prior to the Re-Evaluation/IEP Team meeting, the specific activities will be conducted by designated individuals.

a. The evaluation coordinator, or other designated personnel, will notify parents, teachers, related service personnel, an official designee of the school system, and other appropriate personnel of the re-evaluation; and will follow prescribed procedures:

i. obtain informed parental consent (see Parental Participation);

ii. gather information regarding educational history, including all previous evaluation reports;

iii. review or conduct a classroom-based assessment to determine the student's involvement and progress in the general education curriculum;

iv. review or conduct a functional behavioral assessment, if behavior is a concern;

v. conduct at least one structured observation before the scheduled IEP Team meets for the scheduled re-evaluation;

vi. ensure that any re-evaluation requirements for the existing exceptionality(ies) are completed;

vii. ensure that transitional needs are addressed as part of all re-evaluations occurring after the 14th birthday for students with disabilities;

viii. collect any additional pertinent information;

ix. document and disseminate results of the re-evaluation to the supervisor of special education or designee, parent(s) and school.

b. The special education teacher responsible for coordinating the student's IEP will collect the mandated information:

i. current vision and hearing screening results;

ii. performance toward meeting IEP goals, benchmarks or objectives;

iii. current standardized test results;

iv. performance in the general curriculum;

v. discipline records and behavior intervention plans;

vi. progress reports from all related services personnel, including the Individual School Health Services Plan;

vii. transition from school to post-school activities for students age 14 or older;

viii. other information, as deemed appropriate.

c. The parents/family will be asked to provide relevant information applicable to their child:

i. concerns/observations regarding their student's educational program;

ii. any current private evaluation data, if applicable;

iii. any current school and medical/health reports, if applicable;

iv. information regarding transition needs from school to post-school activities for students age 14 years or older;

v. Any other information, as deemed appropriate.

4. Transitional needs must be addressed as part of all re-evaluations occurring after the 14th birthday of a student with disabilities. In addressing the needed transitional services of the student, the Re-evaluation/IEP Team must provide answers to four questions.

a. What are the strengths and support needs of the student that affect future planning?

b. What are the expressed post school occupational interests of the student?

c. What vocational experience(s) has the student had, and what was the outcome?

d. Does the student have physical limitations and/or health/medical needs, and if so, what are they?

5. Re-evaluations conducted for reasons other than the third year mandate (e.g., change to a more restrictive placement, concern over the student's progress) must be specific to the referral questions and must generally include the same components specified in Subsection F, Individual Evaluation Process, Paragraphs 1. and 2.

6. For students currently enrolled in Special Education who are referred to pupil appraisal personnel as a result of concerns dissimilar to the present classification, initial procedures for each suspected exceptionality and re-evaluation procedures for the existing classification must be conducted in order to develop an integrated report.

7. For re-evaluations conducted because of disciplinary action that will result in a significant change of placement of the student, a manifestation determination review must have been conducted. (See Manifestation Determination Review in the Appendix.)

8. Re-evaluations must be conducted before determining that a student is no longer a student with a disability and no longer in need of special educational services.

9. The Re-evaluation/IEP Team shall perform specific functions.

a. It shall review existing evaluation data on the student as described above. The team may conduct this review without a meeting.

b. It shall decide, upon the basis of that review, whether there are sufficient data to determine the four concerns listed below:

i. whether the student continues to have an exceptionality;

ii. the present levels of performance and educational needs of the student;

iii. whether the student continues to need special education and related services;

iv. whether any additions or modifications to the education program and related services are needed to enable

the student to meet measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

c. It shall sign and date the re-evaluation report agreeing to this determination that there is sufficient data to answer yes to §115.F.9.b.i-iv.

d. If the team determines no additional data are needed to determine that the student still has a disability, the parent must be informed of this determination, of the reasons for this determination, and of the right to request an assessment to determine whether, for the purposes of special educational services, their child continues to be a student with a disability.

e. It shall determine, that if additional tests or evaluation data are needed to determine §115.F.9.b.i-iv above, what data will be collected, who will collect the data, and when the team will reconvene to complete the report to determine the above. Once the team reconvenes, steps §115.F.9.a-c will be followed.

f. The re-evaluation report must be disseminated to the LEA's Supervisor of Special Education or designee, parent(s) and the school.

G. Protection in Evaluation Procedures

1. Tests and other evaluation materials used to assess a student are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so.

2. Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has an exceptionality and needs special educational services, rather than measuring the student's English language skills.

3. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the student including information provided by the parent and information related to enabling the student to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) that may assist in determining whether the student is a student with an exceptionality and may influence the content of the student's IEP.

4. Standardized tests administered to a student have been validated for the specific purpose for which they are used; they are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

5. Tests and other evaluation materials include those tailored to assess specific areas of educational need, not merely those designed to provide a single general intelligence quotient. In no event shall IQ scores be reported or recorded in any individual student's evaluation report or

cumulative folder. Whenever it is necessary to conduct an individual intellectual assessment as a component of an individual evaluation, the examiner shall review all available information regarding the student, the student's family, and the socio-cultural background of the student to determine whether the evaluation results have been unduly influenced by such factors.

6. Tests are selected and administered to ensure that if administered to a student with impaired sensory, manual, or speaking skills - the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

7. No single procedure is used as the sole criterion for determining whether a student is a student with an exceptionality and for determining an appropriate educational program for the student.

8. The student is assessed in all areas related to the suspected exceptionality, including if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

9. In evaluating each student with an exceptionality according to established procedures, the evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the exceptionality category in which the student has been classified.

10. Technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors, must be selected.

11. Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student must be selected.

H. Independent Educational Evaluation

1. The parents of a student with an exceptionality have a right to obtain an Independent Educational Evaluation (IEE) of the student. The LEA shall provide to the parent, upon request for an IEE, information about where an independent educational evaluation may be obtained and the criteria by which it must be conducted.

a. *Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the student in question.

b. *Public Expense* means that the LEA either shall pay for the full cost of the evaluation or shall ensure that the evaluation is otherwise provided at no cost to the parent.

c. To avoid unreasonable charges for Independent Educational Evaluations (IEEs), an LEA may establish maximum allowable charges for specific tests. The maximum shall be established so that it allows parents to choose among the qualified professionals in the area and eliminates unreasonably excessive fees. The LEA shall allow parents the opportunity to demonstrate unique circumstances to justify an IEE that falls outside the district's criteria.

2. An IEE is provided at public expense to the parents if:

- a. the parent disagrees with an evaluation provided by the LEA, or
- b. a hearing officer requests an IEE as part of a due process hearing.

3. When an LEA is notified in writing by the parent that the parent disagrees with the LEA's educational evaluation, the LEA has ten business days following the receipt of the notice to initiate a due process hearing to show that its evaluation is appropriate. If the LEA does not initiate a due process hearing within the ten business days, the IEE shall be at public expense.

a. The request for an IEE may be presented orally if the parent is illiterate in English or has a disability that prevents the production of a written statement.

b. If, in a due process hearing, the hearing officer finds that the LEA's evaluation is appropriate, the parent shall still have the right to an independent evaluation, but not at public expense.

c. If a parent requests an IEE, the LEA may ask for the parent's reasons why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the LEA may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the public evaluation.

4. An IEE obtained at public expense shall meet the same criteria established by these regulations and by the *Pupil Appraisal Handbook*. The LEA may not impose conditions on obtaining an IEE, other than the criteria contained in the *Pupil Appraisal Handbook*.

5. If the parents obtain an IEE at private expense and it meets the criteria in the *Pupil Appraisal Handbook*, the results of the evaluation shall be considered by the LEA in any decision made with respect to the provision of a free appropriate public education to the student; and they may be presented as evidence at a hearing as described in §507 of these regulations regarding the student.

a. Privately Obtained Independent Educational Evaluation Initiated by Parents

i. When an IEE initiated by parents at their expense, is received by the pupil appraisal office, specific procedures must be followed.

(a). Within 10 business days of receipt, the evaluation must be reviewed to determine whether procedures in this handbook were followed and whether the student meets the criteria for eligibility of the assigned exceptionality.

(b). Based on the IEE, if it is determined that the student is eligible for services, an IEP/IFSP Committee meeting must be held within 30 calendar days.

(c). Based on the IEE, if it is determined that the evaluation procedures did not meet the requirements of this handbook or that the student did not meet the eligibility requirements for the assigned exceptionality, the parents must be informed of the decisions made and the actions proposed by the school system.

ii. The IEE must be considered in any decisions made with respect to the provision of a free appropriate public education. The LEA is not required to use the IEE obtained at private expense as its only criteria for deciding the content of the student's special education program.

6. The LEA is not required to use the IEE obtained at private expense as its only criteria for deciding the content of the student's special education program.

I. Evaluation Report and Determination of Eligibility

1. The final written report for initial evaluations must be a compilation of the data gathered during the individual evaluation process. The data collected by pupil appraisal personnel must be integrated and written in language that is clear to the individuals who will use it.

a. The integrated written report of the initial evaluation of an identified student must contain the following minimal requirements:

i. the reason(s) for referral;

ii. the individual evaluation questions or statements of concern;

iii. a description of the evaluation procedures, including interventions, used to address each evaluation question, and an analysis of the results;

iv. a description of the student's present level(s) of functioning in relationship to the general curriculum;

v. a description of the student's relative strengths and support needs;

vi. a description of the educational needs of the student ranked in order of importance;

vii. a description of the impairment or condition that enables the student to be classified as eligible for special education and related services;

viii. information sufficient to permit a determination of the validity of the evaluation data for the total evaluation process to include certain criteria:

(a). compatibility of the child to the examiner(s);

(b). suitability of the evaluation environment;

(c). extraordinary conditions;

ix. an explanation of any discrepancies between formal test results and the student's customary behaviors and daily activities, or of any discrepancies among evaluation results;

x. recommendations for types of services necessary to meet the educational needs of the student to participate, as appropriate, in the general curriculum:

(a). supplementary aids and services;

(b). instrumental techniques, additions, modifications, or adaptations;

(c). classroom/behavioral management strategies;

(d). specially designed instruction;

(e). adapted physical education;

(f). assistive devices or services;

(g). the type of related services necessary for the student to benefit from special education;

xi. a brief summary of the evaluation findings;

xii. explanation of all extensions of the evaluation timelines;

xiii. names of assessment personnel participating in the evaluation;

xiv. signatures of assessment personnel whose conclusions are accurately reflected in the report:

(a) if a participating appraisal person disagrees with the conclusion(s) in the integrated report, that person may submit a separate signed dissenting opinion stating the disagreement, giving supporting data and conclusion(s) prior to the IEP/IFSP meeting;

xv. the documentation of the Determination of Eligibility with the evaluation team members and the parent assigning the applicable exceptionality, when appropriate.

b. The final written report for a re-evaluation must include documentation necessary to determine that the student continues to have a disability and to write an appropriate IEP. The report must contain, at a minimum, specific components:

i. the reason for the re-evaluation;
ii. the documentation of notification, participants, and dissemination;
iii. documentation of a review of existing data on the student:

(a). previous evaluations and educational records;

(b). information provided by the parents;
(c). student progress toward meeting IEP annual goals and short-term objectives and benchmarks;

(d). current classroom-based assessments and observations in appropriate settings;

(e). observations by teachers and related service providers;

iv. based on the review in iii above, documentation verifying certain data:

(a) sufficient data to determine whether the student continues to have an exceptionality;

(b) sufficient data to determine the student's present levels of performance and educational needs;

(c) sufficient data to determine whether the student continues to need special education and related services;

(d) sufficient data to determine whether any additions or modifications to the education program and related services are needed to enable the student to meet measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum;

v. if there are not sufficient data to verify the above, documentation leading to that determination must be included in the written report;

vi. when additional data are determined to be needed, based on the review in 4 above, the results of those findings shall be included in the report. (When a different exceptionality is being considered, initial criteria shall be followed and reported, in supporting documentation, as part of the written report.);

vii. when the team determines that no additional data are needed to determine the student continues to have a disability, documentation must be provided that the parent was informed of this determination, of the reasons for this determination, and of the parent's right to request additional assessments to determine whether, for the purposes of special educational services, the student still has a disability;

viii. conclusions of the re-evaluation;

ix. diagnosed impairment(s) or condition(s);

x. exceptionality;

xi. additional services needed as documented in the report;

xii. an explanation of and documentation for all extensions of the re-evaluation time line;

xiii. signatures of the Re-evaluation/IEP Team whose conclusions are accurately reflected in the report:

(a) if a participating team member disagrees with the conclusion(s) in the report, that person may submit a separate signed dissenting opinion stating the disagreement, giving supporting data and conclusion(s).

J. Evaluation Timelines

1. Pre-evaluation activities as listed under "Initial Responsibilities" of the evaluation coordinator must be conducted within 10 business days after receipt of the referral by the pupil appraisal office for an individual evaluation.

2. A request shall be made by the school system for informed parental consent to conduct an initial individual evaluation no later than 10 business days after the receipt of the referral by Pupil Appraisal.

3. The evaluation report for an initial evaluation must be completed and disseminated within 60 business days of receipt of parental approval unless a justified extension of time is required as specified.

4. Re-evaluation reports must be completed within 60 business days of parent notice. Triennial re-evaluations must be completed on or before the third-year anniversary of the previous evaluation. Justified extensions are permitted for re-evaluations, except for end-of-school-year extensions during the mandated triennial re-evaluation.

a. The evaluation is considered complete when a written, integrated, signed evaluation report has been disseminated to the Supervisor/Director of Special Education or to the assigned designee. The date of completion must be documented on the file copy of the final evaluation report and/or in the student's folder.

5. An extension of time of no more than 30 business days is permitted under certain circumstances.

a. The evaluation coordinator and the student's teacher(s) determine that the intervention process should be extended.

b. Unusual circumstances, such as illness of the student, illness of a member of the student's family, or of the pupil appraisal person working with the student, interrupt the completion of the individual evaluation.

c. The student has received an individual evaluation within the past three years, but the report has not yet been received by pupil appraisal services.

6. An extension of time of no more than 60 business days is permitted under certain conditions.

a. Specialized diagnostic assessment and/or medical assessment services not available in the school system are necessary for the completion of the individual evaluation.

b. A natural disaster or catastrophe interrupts the completion of the evaluation. These extensions must be requested from and be approved by the State Department of Education, Division of Special Populations.

7. The maximum number of days of the extension described in 5 and 6 above shall not exceed the duration of the circumstance(s) necessitating the extension.

8. Whenever informed parental consent for an initial evaluation of a student who is suspected of being exceptional is received within 30 business days of the end of the school year, the evaluation coordinator may postpone the initiation of the evaluation until the first week of the next school year, or initiate the evaluation if it appears that the requirements of 436 of *Bulletin 1706* can be met. If the

decision is to postpone or if the process, once initiated, cannot be completed, parents shall be given full and effective notice. If the process once initiated cannot be completed prior to the end of the school year, the evaluation may be completed during the next school year. The total time allotted for the completion of the evaluation must not exceed 60 business days, excluding that period during the summer when the regular school program is not in session.

9. Whenever the initial evaluation process or a re-evaluation (not a triennial) is begun within 59 business days of the end of the school year and the evaluation cannot be completed prior to the end of the school year, the completion of the evaluation may be postponed until the next school year. The total time for the completion of the evaluation must not exceed 60 business days, excluding that period during the summer when the regular school program is not in session.

10. Parents must be provided written notification and explanation of any extension to the individual evaluation process timeliness.

11. Any extensions of the evaluation time line must be explained and documented in the individual evaluation report.

12. An initial evaluation, conducted on a student during the time period in which the student is subjected to disciplinary measures, must be conducted in fewer than 60 business days without exception or extensions.

13. For toddlers transitioning from Part C to Part B, the evaluation must be completed and the IEP developed for implementation on all eligible students by their third birthday.

14. For students with a classification of Developmentally Delayed, no evaluation timeline extension is allowed when the extension extends beyond their ninth birthday.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1626 (August 2004).

Chapter 3. Criteria For Eligibility, Screening, And Evaluation Procedures For Each Exceptionality

§301. Introduction

A. This Section of the Handbook is intended as a guide for pupil appraisal personnel when conducting individual evaluations of students suspected of being exceptional and in need of special education and related services, and as a reference for persons requiring specific information regarding the determination of eligibility for special educational services.

B. The criteria for eligibility describes the minimal data that must be obtained in order to determine whether the student is a student with an exceptionality and in need of special educational services. The Procedures for Evaluation specify minimal areas and depth of data collection, and, at times, suggest the professional who is usually most qualified to gather and interpret the data in a certain area.

1. Any deviations or exceptions from this Handbook shall be explained in the integrated written evaluation report.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1633 (August 2004).

§303. Definition of Exceptional

A. For a child to be considered an exceptional child under the Regulations for Implementation of the Children with Exceptionalities Act (R.S. 17:1941 et seq.), Bulletin 1706, two conditions must exist.

1. First, the assessment data must indicate that either:

- a. an impairment is present; or
- b. a requisite, such as exceptionally high abilities, is present.

2. Second, an assessment of the current and past learning environment and the educational progress of the child must demonstrate a need for special educational services. Only when both of the above are true is the child considered exceptional.

B. Misclassification can occur in evaluating children by assuming either:

1. all children with exceptionalities need special educational services, or
2. all children with special educational needs are exceptional.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1633 (August 2004).

§305. Autism

A. Definition. *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction; generally evident before age three that adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria are satisfied.

1. There may be coexisting conditions/associated features that may include, but are not limited to cognitive delays, seizure activity, depression, anxiety, obsessive-compulsive disorders, Tourette Syndrome, Fragile X Syndrome, tuberous sclerosis, pica, allergies, self-injurious behaviors, sleeping and toileting problems, etc.

2. Asperger's Disorder, Pervasive Developmental Disorder-Not Otherwise Specified (PDD-NOS), Rett Syndrome, or Childhood Disintegrative Disorder should not be excluded from the classification if the criteria for autism are met.

B. Criteria For Eligibility. The multidisciplinary team may determine that the student displays autism if disturbances identified in all three of the categories below exist and adversely effect a student's educational performance. These disturbances may be characterized by delays, arrests, and/or regressions in typical skill development, and/or precocious skill acquisition. While autism is behaviorally defined, manifestation of behavioral characteristics may vary along a continuum ranging from mild to severe.

1. Communication: A minimum of two items must be documented:

- a. disturbances in the development of spoken language;

b. disturbances in conceptual development (e.g., doesn't understand time or WH-questions; good reader/poor comprehension; knows multiplication facts but can't use them functionally; does not appear to understand directional concepts, but can read a map and find the way home; repeats multi-word utterances, but can't process the semantic-syntactic structure);

c. marked impairment in the ability to attract another's attention, to initiate, or to sustain a socially appropriate conversation;

d. disturbances in shared joint attention (acts used to direct another's attention to an object, action, or person for the purposes of sharing the focus on an object, person or event);

e. stereotypical and/or repetitive use of vocalizations, verbalizations and/or idiosyncratic language (made-up language);

f. echolalia with or without communicative intent (may be immediate, delayed, or mitigated);

g. marked impairment in the use and/or understanding of nonverbal (e.g., eye-to-eye gaze, gestures, body postures, facial expressions) and/or symbolic communication (e.g., signs, pictures, words, sentences, written language);

h. prosody variances including, but not limited to, unusual pitch, rate, volume and/or other intonational contours;

i. scarcity of symbolic play.

2. Relating to people, events, and/or objects: A minimum of four items must be documented:

a. difficulty in developing interpersonal relationships;

b. impairments in social and/or emotional reciprocity, or awareness of the existence of others and their feelings;

c. lack of/or minimal spontaneous seeking to share enjoyment, achievements, and/or interests with others;

d. absent, arrested, or delayed capacity to use objects/tools functionally, and/or to assign them symbolic and/or thematic meaning;

e. difficulty generalizing and/or discerning inappropriate versus appropriate behavior across settings and situations;

f. lack of/or minimal varied spontaneous pretend/make-believe play and/or social imitative play;

g. difficulty comprehending other people's social/communication intentions (e.g., doesn't understand jokes, sarcasm, irritation), interests, or perspectives;

h. impaired sense of behavioral consequences (e.g., no fear of danger, injury to self or others).

3. Restricted, repetitive and/or stereotyped patterns of behaviors, interests, and/or activities: A minimum of two items must be documented:

a. unusual patterns of interest and/or topics that are abnormal either in intensity or focus (e.g., knows all baseball statistics, TV programs, collection of light bulbs);

b. marked distress over change and/or transitions (e.g., substitute teacher, moving from one activity to another);

c. unreasonable insistence on following specific rituals or routines (e.g., taking the same route to school, flushing all toilets before leaving a setting, turning on all lights upon returning home);

d. stereotyped and/or repetitive motor movements (e.g., hand flapping, finger flicking, hand washing, rocking, spinning);

e. persistent preoccupation with an object or parts of objects (e.g., taking magazine everywhere he/she goes, playing with a string, spinning wheels on toy car).

C. Procedures for Screening

1. Pre-referral Activities shall be followed.

2. Screening for sensory processing difficulties may be warranted if the student exhibits behavioral symptoms that result in marked behavioral or social difficulties, disruption in development of self-help skills, or fine and gross motor coordination. Symptoms (examples listed below) should be clearly documented. If the results of the screening demonstrate that sensory processing difficulties appear to interfere with the student's ability to learn, an occupational therapy assessment should be considered:

a. visual symptoms: for example, squinting in normal light, use of peripheral vision, poor eye contact, staring, prolonged regarding of hands or objects, attention to illumination, close scrutiny of visual details, over arousal to extraneous visual stimuli;

b. auditory symptoms: for example, hands over ears, acting as if deaf, preoccupation with certain sounds, repetitively making certain sounds or words, abnormal behavioral responses to sound (e.g., screaming, self-injurious behavior, aggression);

c. tactile symptoms: for example, prolonged rubbing of surfaces, does not cry when injury occurs, does not tolerate certain food textures, has to wear the same clothing all the time, tags in clothing may bother the student, cannot tolerate heat/humidity, tactile defensiveness (e.g., does not want to be touched), self-injury (e.g. pinching, biting, head banging, scratching), avoidance of tactile media (e.g., glue, sand, water);

d. vestibular (balance) symptoms: for example, prolonged swinging, whirling without dizziness, preoccupation with spinning objects, difficulty ascending/descending stairs, clumsiness, avoidance of playground equipment or repetitive and obsessive use of playground equipment, may demonstrate extreme fear regarding movement, may experience motion sickness very easily;

e. olfactory (smell) and gustatory (taste) symptoms: for example, repetitive sniffing of people/objects/food, licking of inedible objects, mouthing objects, specific and/or limited food preferences;

f. proprioceptive (movement) symptoms: for example, posturing, darting/lunging movements, hand flapping, and grimaces;

g. motor planning difficulties: for example, child is unable to develop or recall an organized plan for completing a sequence of motor actions; may need excessive repetition and prompts to learn simple tasks such as hand washing, may know the individual steps in isolation, but unable to link them together to form an integrated whole; may have difficulty using two hands together to complete a task; may appear clumsy or awkward;

h. attention/arousal difficulties: for example, child may have difficulty maintaining appropriate level of attention/arousal needed for demands of task, may hyperfocus at times and then have difficulty shifting attention.

D. Procedures For Evaluation. The individual evaluation should include at a minimum an appraisal of the student's level of development in cognitive, social, communication, sensori-motor processing, and motor areas, as appropriate:

1. a comprehensive assessment conducted by a certified school psychologist, licensed psychologist, or physician, trained or experienced in the evaluation of students with developmental disabilities or other qualified examiner;

2. behavioral observation of the student in interaction with others such as parents, teachers, and peers in the student's customary environments;

3. a physical examination by a licensed physician for students "at risk" for health difficulties;

4. an assessment of the student's hearing by an audiologist using, if possible, techniques that do not require overt or voluntary responses from the student;

5. a speech and language assessment conducted by a speech/language pathologist trained and experienced in the evaluation of children with developmental disabilities. (If necessary, an augmentative/alternative communication assessment should be conducted):

a. consideration should be given to other assistive technology, devices and/or services that would be educationally necessary for the student to benefit from his or her educational curriculum;

6. a family interview conducted by a school social worker or other qualified pupil appraisal staff member to determine the impact of social, cultural, developmental, and/or health factors on the student's difficulties;

7. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal staff member which shall include an assessment of the student's academic or pre-academic strengths, support needs, and learning styles;

8. an occupational therapy assessment when deemed necessary by the evaluation coordinator and the multidisciplinary team;

9. other assessments as determined to be appropriate and necessary by the evaluation coordinator and the multidisciplinary team.

E. Re-evaluation. The re-evaluation of students classified with autism shall include at a minimum all requirements under Individual Evaluation Process: Re-evaluation and any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1633 (August 2004).

§307. Deaf-Blindness

A. Definition. *Deaf-Blindness* is concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

B. Criteria For Eligibility. Evidence of 1, 2, and 3 are required:

1. vision impairment-any of the following:

a. measured corrected visual acuity is 20/70 or less in the better eye, and/or a previous chronic condition has

interfered, is interfering, or will interfere with the visual learning mode;

b. cortical blindness in the presence of normal ocular structure as verified in the report of an ophthalmologist, pediatrician, or pediatric neurologist;

c. field of vision that subtends an angle of 20 degrees or less in the better eye;

d. other blindness resulting from a documented medical condition;

2. hearing impairment:

a. sensorineural hearing loss of 25 decibels (ANSI) or more across the speech frequencies in the better ear with amplification and/or a previous chronic condition that has existed which has interfered, is interfering, or will interfere with the auditory learning mode;

3. educational need:

a. educational determination that the student's combined vision and hearing losses are such that he/she cannot be served appropriately solely by the special education program for either visual impairments or hearing impairments.

C. Procedures For Screening. Pre-referral Activities shall be followed.

D. Procedures For Evaluation. The minimum evaluation shall consist of the following:

1. an assessment of the student's vision conducted by an ophthalmologist or optometrist. When the impairment results from a documented medical condition, it shall be verified in the report of an ophthalmologist, pediatrician, or pediatric neurologist. When the condition is progressive or unstable, the need for a yearly eye examination will be documented in the integrated report;

2. an assessment of the student's hearing conducted by an audiologist or otologist;

3. an orientation and mobility screening conducted to assess the student's ability to travel around in his or her environment. (There is a suggested checklist in the back of this document.) Based on the results of the screening, an assessment conducted by a qualified orientation and mobility instructor may be warranted;

4. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal staff member to verify that the student's combined vision and auditory losses are such that he cannot be served appropriately by a program for students with visual or hearing impairments and to identify the specific strengths and support needs of the student;

5. a family interview conducted by a school social worker or other qualified pupil appraisal staff member to include an investigation of family history of Usher Syndrome or other contributing medical anomalies;

6. a speech and language assessment conducted by a speech/language pathologist trained or experienced in the evaluation of students with developmental disabilities;

7. each LEA shall notify State Deaf-blind Census of all students who have both hearing and visual impairments.

E. Re-evaluation. The re-evaluation of students classified with deaf-blindness shall include the following procedures:

1. all requirements of the Individual Evaluation Process: Re-evaluation Section;

2. an assessment of the student's hearing conducted by an audiologist or otologist, if warranted;

3. an eye examination conducted by an ophthalmologist or an optometrist when the student's impairment is progressive or unstable. If the required annual eye examination has been completed, these results may be reviewed:

a. an eye examination conducted by an ophthalmologist or an optometrist need not occur when the student's eye condition is permanent and there is written documentation indicating such from the ophthalmologist or optometrist attached to the evaluation report. When conditions associated with the visual impairment are suspected, the Re-evaluation/IEP Team should request an eye examination;

4. any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1635 (August 2004).

§309. Developmental Delay

A. Definition. *Developmental Delay* is a disability in which students, ages 3 through 8, are identified as experiencing developmental delays in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development or adaptive development.

1. A student may be classified categorically, if it is determined through the evaluation process, that the student has a specific impairment that needs special education and related services.

2. The use of the Developmental Delay category is optional to the local educational agencies. LEAs that choose not to use this category must classify categorically.

B. Criteria For Eligibility. The student must be between the ages of 3 through 8 years, functioning significantly below age expectancy in one or more of the following areas: Criterion-Based Measures **CA** Delay of 25 percent or more, Norm-Based Measures **CA** Standard Score 1.5 standard deviations below the mean:

1. physical development, which includes:
 - a. gross motor;
 - b. fine motor;
 - c. sensory (visual or hearing);
 - d. sensory-motor;
2. social, adaptive or emotional development, which includes:
 - a. play (solitary, parallel, cooperative);
 - b. peer interaction;
 - c. adult interaction;
 - d. environmental interaction;
 - e. expression of emotions;
3. cognitive or communication development, which includes:
 - a. language (receptive or expressive);
 - b. concrete, abstract;
 - c. perceptual discriminations;
 - d. categorization and sequencing;
 - e. task attention;
 - f. memory;
 - g. essential developmental or academic skills, as appropriate.

C. Procedures for Screening

1. General Screening Procedures in this Handbook: Sections 1, 2, 3, 4, and 5 shall be followed.

2. A developmental screening must be conducted by persons trained in such procedures.

D. Procedures For Evaluation.

1. At a minimum the evaluation shall include all areas outlined in the criteria for eligibility assessed to the appropriate depth and shall included the following procedures:

a. an examination conducted by a physician not only when the child appears to have a severe medical condition but also when deemed necessary by the evaluation coordinator. When the medical report indicates the student has a health or physical impairment requiring health technology, management or treatments including a special diet or medication, or needs assistance with activities of daily living, the school nurse or other qualified personnel will conduct a health assessment;

b. an educational assessment for school-aged students conducted by an educational diagnostician or other qualified pupil appraisal staff member to determine the student's level of performance in the general curriculum; the assessment should include informal and formal assessment, an analysis of the appropriateness of the curriculum; and a classroom-based assessment of academic strengths and concerns; or

c. a functional/developmental assessment for preschool-aged children conducted by an educational diagnostician or other qualified pupil appraisal staff member who has appropriate training in the evaluation of early childhood disorders and/or development to determine not only levels of performance but also include an analysis of the child's participation in appropriate activities;

d. a family interview conducted by a school social worker or other qualified pupil appraisal staff member to determine the impact of social, cultural, developmental and/or health factors on the student's difficulties;

e. a speech/language assessment conducted by a speech/language pathologist when a speech or language impairment is suspected;

2. The LEA shall notify State Deaf-blind Census of all students who have both hearing and visual impairments.

E. Re-Evaluation. The re-evaluation of students classified Developmental Delay shall include the following procedure:

1. all requirements specified under the Individual Evaluation Process: Re-evaluation Section and any other assessments deemed appropriate by the Re-evaluation/IEP team;

2. a re-evaluation conducted prior to the student's ninth birthday to declassify or to classify categorically, including all initial evaluation procedures for the suspected exceptionality.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1636 (August 2004).

§311. Emotional Disturbance

A. Definition. *Emotional Disturbance* means a condition characterized by behavioral or emotional responses so different from appropriate age, cultural, or ethnic norms that they adversely affect performance. Performance includes

academic, social, vocational or personal skills. Such a disability is more than a temporary, expected response to stressful events in the environment; is consistently exhibited in two different settings; and persists despite individualized intervention within general education and other settings. Emotional disturbance can co-exist with other disabilities.

1. This category may include children or youth who:

a. exhibit seriously impaired contact with reality, and severely impaired social, academic, and self-care functioning; whose thinking is frequently confused; whose behavior may be grossly inappropriate and bizarre; and whose emotional reactions are frequently inappropriate to the situation; or

b. manifest long-term patterns of inappropriate behaviors, which may include, but are not limited to, aggressiveness, anti-social acts, refusal to accept adult requests or rules, suicidal behavior, developmentally inappropriate inattention, hyperactivity, or impulsiveness; or

c. experience serious discomfort from anxiety, depression, or irrational fears and concerns whose symptoms may include, but are not limited to, serious eating and/or sleeping disturbances, extreme sadness, suicidal ideation, persistent refusal to attend school or excessive avoidance of unfamiliar people, maladaptive dependence on parents, or non-organic failure to thrive; or

d. have a DSM, (current edition) diagnosis indicating a severe mental disorder, which requires 24-hour care and supervision, such as, but not limited to, psychosis, schizophrenia, major affective disorders, reactive attachment disorder of infancy or early childhood (non-organic failure to thrive), or severe conduct disorder.

2. This classification does not include children/youth who are socially maladjusted, unless it is determined that they also meet the criteria for Emotional Disturbance.

B. Criteria For Eligibility. Criteria 1, 2, and *3 must all be met.

*Criterion 3 is a pre-requisite for classification in the educational environment.

1. Functional Disability. There is evidence of severe, disruptive and/or incapacitating functional limitations of behavior characterized by at least two of the following limitations:

a. the inability to exhibit appropriate behavior routinely under normal circumstances;

b. a tendency to develop physical symptoms or fears associated with personal or school problems;

c. the inability to learn or work, a limitation that cannot be explained by intellectual, sensory, or health factors;

d. the inability to build or maintain satisfactory interpersonal relationships with peers and adults;

e. a general pervasive mood of unhappiness or depression;

f. conduct characterized by the lack of behavioral control or adherence to social norms, which is secondary to an emotional disorder.

2. Duration

a. The impairment or pattern of inappropriate behavior(s) has persisted for at least one year; or

b. there is substantial risk that the impairment or pattern of inappropriate behavior(s) will persist for an extended period; or

c. there is a pattern of inappropriate behaviors that are severe and of short duration.

3. Educational Performance. There is evidence that all of the following exist.

a. Educational performance must be significantly and adversely affected as a result of behaviors that meet the definition of emotional disturbance.

b. Behavioral patterns, consistent with the definition, exist after educational assistance and/or counseling.

c. Behavior patterns, consistent with the definition, persist after individualized, systematic intervention.

i. Documented evidence must show that results of the intervention(s) with systematic measurement of the behaviors indicate failure of the intervention to significantly modify the problem behavior. *Significantly Modify* means that a change in behavior is demonstrated to such a degree that, with continuation of the intervention program by the regular teacher and/or other support personnel, the student could continue in the regular education program.

ii. This requirement for a pupil appraisal intervention may be waived under two conditions.

(a). The multi-disciplinary team, after a thorough review and analysis of previously conducted interventions, has determined that the intervention(s) meet the requirements as stated in the Procedures for Evaluation.

(b). It is the judgment of the multi-disciplinary team that all possible interventions and adjustments in the regular program have been exhausted or are impractical because of the severity of the student's behavior.

C. Procedures For Screening

1. Pre-referral Activities shall be followed.

2. Screening procedures shall include a determination of the following:

a. current out-of-home placement;

b. risk of out-of-home placement;

c. risk of out-of-school placement; and

d. the need for multi-agency services.

3. Children determined to be out-of-home, "at risk" of out-of-school, or out-of-home placement and who also need multi-agency services must be considered for referral to any existing interagency case review process.

4. Documentation of any previously conducted interventions and their results must be provided.

5. Comprehensive screening reports which follow the procedures listed here, supplied by a public agency (e.g. Education, Mental Health, Social Services) or a qualified private service provider may be used to determine the need for further evaluation.

6. When the behavior of the student poses an immediate danger to him/herself or others, an immediate referral for an individual evaluation shall be submitted to Pupil Appraisal Services.

D. Procedures for Evaluation. An individual evaluation for emotional disturbance must consist of all required components as specified below:

1. a review and analysis of the results of current vision, hearing, health and motor screening;

2. a review and analysis of the student's educational, social, and medical history;

3. an interview with the child/youth;

4. a psycho-social assessment conducted by a social worker or other qualified pupil appraisal staff member, which includes an interview with the child/youth's parent(s), or care giver;

5. an interview with the child/youth's teacher in order to specify and define behaviorally the areas of concern, to determine the teacher's expectations for the student and class, and to clarify previous intervention(s);

6. observation and study of the child/youth's learning and/or social behaviors in daily activities;

7. a review of the appropriateness and effectiveness of the documented intervention(s), and the conduct of additional intervention(s), if deemed necessary. Suspension/expulsion cannot be used as an intervention;

8. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal staff member to determine the student's level of performance in the general education curriculum; the assessment should include informal and formal assessment, an analysis of the appropriateness of the curriculum, and a classroom-based assessment of academic errors or a developmental assessment, when appropriate;

9. If a specific agency requires an IQ test when a mental disability is suspected, that the agency must also conduct an assessment of adaptive behavior:

a. the State Department of Education does not require a test of intelligence in order for a student to be classified with emotional disturbance

10. a comprehensive psychological assessment conducted by a certified school psychologist or a licensed psychologist, or psychiatric assessment conducted by a psychiatrist (The assessment shall include, at a minimum, an appraisal of the child/youth's cognitive, emotional, and social functioning including self-concept.);

11. an assessment of functional behavior in major life activities;

12. other assessment procedures determined to be necessary by the multidisciplinary team.

E. Re-Evaluation. The re-evaluation of students classified with an emotional disturbance shall include, at a minimum, the following procedures:

1. all requirements specified under the Individual Evaluation Process: Re-evaluation Section;

2. a determination of the following:

- a. current out-of-home placement;
- b. risk of out-of-home placement;
- c. risk of out-of-school placement; and
- d. the need for multi-agency services;

3. a psycho-social assessment conducted by a school social worker or other qualified examiner, which includes an interview with the child/youth's parents or caregiver. The family interview component of the psycho-social assessment should determine whether the behavior(s) of concern occur(s) out-of-school, and if so, when, where, under what circumstances and should identify the parental efforts to deal with the problem behavior;

4. assessments of the student's cognitive, emotional, and social functioning, and a review of related services provided the LEA and/or other agencies;

5. any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1636 (August 2004).

§313. Gifted

A. Definition. *Gifted Children and Youth* are students who demonstrate abilities that give evidence of high performance in academic and intellectual aptitude.

B. Procedures for Screening

1. Sensory screening shall be conducted whenever vision or hearing problems are suspected.

2. Each school system shall develop and implement procedures for screening students suspected of being gifted. The screening criteria shall not exceed the criteria for eligibility.

3. At least two regular school staff members, such as the principal or designee, teachers, counselors, pupil appraisal personnel, and other professional staff, shall conduct a review of the screening information with the student's teacher and determine whether to evaluate or provide modifications for enrichment purposes.

C. Criteria for Eligibility

1. Preschool and Kindergarten: A student at the preschool or kindergarten level must meet criterion a or b.

a. The student shall obtain a score at least three standard deviations above the mean on an individually administered test of intellectual abilities appropriately standardized on students of this age and administered by a certified school psychologist or licensed psychologist.

b. The student shall obtain a combined score of at least ten when scores are entered into the cells of the Standard Matrix with at least four points earned on the aptitude/intelligence test.

2. Grades 1-12. Criterion 1, 2, or 3 must be met.

a. The student shall obtain a score of at least two standard deviations above the mean on an individually or group administered test of intellectual abilities appropriately standardized on students of this age and administered by a certified school psychologist or licensed psychologist.

b. The student shall obtain a score of at least seven when scores are entered into the cells of the Standard Matrix, at least two points of which are earned on the aptitude/intelligence test.

c. The student shall obtain a score of at least six when scores are entered into the cells of the Standard Matrix, and a recommendation for classification as gifted is made by pupil appraisal personnel who conducted the evaluation of the student in accordance with the evaluation procedures.

D. Procedures for Evaluation. All tests and other procedures used to evaluate students referred for gifted assessments shall be standardized, nondiscriminatory, and appropriate for the cultural background of the students being evaluated. Few, if any, standardized assessment instruments adequately control for the effect of such factors as

environmental impoverishment, cultural differences, or the lack of opportunities to learn. It is imperative that such factors be closely attended to in any individual or group assessment of students suspected of being gifted, and given serious consideration by pupil appraisal and special education personnel when determining whether or not a student is gifted. Any significant discrepancies between formal test results and the student's customary behaviors and daily activities, or any discrepancies among test results should be examined closely during the evaluation and addressed in the evaluation report. The recommendation of the multidisciplinary team either to classify or not to classify a student as gifted must be based on a thorough evaluation of the student's abilities.

1. Preschool and Kindergarten: The individual evaluation shall include at a minimum the following procedures:

a. an individual assessment of intellectual abilities administered by a certified or licensed psychologist using an instrument or instruments appropriately standardized for students of this age;

b. an individual assessment of reading and mathematical skills using an achievement test standardized at the first grade level, conducted by an educational diagnostician or other qualified pupil appraisal member;

c. an interview with the student's parent(s) conducted by a school social worker or other qualified examiner;

d. an interview with the teacher(s) of enrolled students.

2. Grades 1 through 12. An individual evaluation shall include at a minimum the following procedures:

a. an assessment of intellectual abilities, individually or group administered, by a certified or licensed psychologist using nondiscriminatory assessment procedures;

b. additional assessments in the areas listed below, individually or group administered, by qualified pupil appraisal personnel. The regular district-wide test scores shall not be used in the Standard Matrix as part of the individual evaluation:

i. total reading;

ii. total mathematics;

c. an interview with the student's parent(s) by a school social worker or other qualified examiner;

d. an interview with the student's teacher(s);

e. for students who obtain at least six points in the matrix, further assessment conducted by pupil appraisal personnel, including at a minimum:

i. a review of the student's educational performance and all screening data with the student's teacher(s);

ii. observation of the student's behavior during and performance on at least one structured normed or criterion referenced test such as, but not limited to:

(a). intelligence;

(b). aptitude;

(c). achievement;

(d). problem solving;

(e). creativity.

E. Standard Matrix

Points	1	2	3	4
	1.0 ≤ 1.5 SD	1.5 ≤ 2.0 SD	2.0 + SD	2.5 +SD (Preschool and K)
Aptitude/ Intelligence				
Achievement in Reading				
Achievement in Math				

F. Re-Evaluation. A re-evaluation must be conducted at least every three years. For those students whose only exceptionality is gifted, the re-evaluation may be accomplished through the IEP process at the time of an IEP review meeting, not through the Re-evaluation/IEP process. Informed parental consent of the re-evaluation must be sent to parents prior to the IEP Review meeting in which a re-evaluation will be conducted. If no concerns are evident with the student's current program, no evaluation report is required. This discussion will be documented on the IEP form, and a copy of the IEP form will be forwarded to the pupil appraisal personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1638 (August 2004).

§315. Hearing Impairment

A. Definition. *Hearing Impairment* means an impairment in hearing, whether permanent or fluctuating, that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and that it adversely affects a student's educational performance. It includes students who are deaf or hard of hearing or who have unilateral hearing loss or high frequency hearing loss.

1. *Deafness* is a permanent hearing loss with an unaided pure tone average of 70dB (ANSI) or more in the better ear at 500, 1,000, and 2,000 Hz. The hearing loss is so severe as to limit significantly the use of the auditory channel for processing linguistic information, with or without amplification.

2. Hard of Hearing

a. *Permanent or Fluctuating Hearing Loss* is a hearing loss with an unaided pure tone average in the better ear at 500, 1,000, and 2,000 Hz between 25 and 70 dB (ANSI). The hearing loss is severe enough to be considered educationally significant, as it will to varying degrees impact the normal development of speech and language skills and/or interfere with learning new information through the auditory channel.

b. *Unilateral Hearing Loss* is a permanent hearing loss with an unaided pure tone average in the poorer ear at 500, 1,000, and 2,000 Hz of 40 dB (ANSI) or greater. The hearing in the better ear is within the normal range (pure tone average of 20 dB or better at 500, 1,000, and 2,000 Hz). The hearing loss in the poorer ear is of sufficient severity to be considered educationally significant because it may affect

the person's ability to process linguistic information, particularly in the presence of background noise.

c. *High Frequency Hearing Loss* is a bilateral hearing loss with an unaided pure tone average of 40 dB or greater at any two of the following frequencies (2,000, 3,000, 4,000 or 6,000 Hz). The hearing loss is educationally significant because it is of sufficient severity to impact the person's ability to process linguistic information, particularly in the presence of background noise.

B. Criteria For Eligibility. Criteria 1 and 2 must be met.

1. There must be audiological evidence that the student is either deaf, hard of hearing, has a unilateral hearing loss, or has a high frequency hearing loss consistent with the definition.

2. There must be evidence of hearing loss that adversely affects a student's educational performance

C. Procedures for Screening

1. Pre-referral Activities shall be followed.

D. Procedures for Evaluation:

1. sensory screening, if not previously conducted;

2. an interview with the student conducted in the student's primary mode of communication;

3. a family interview conducted by a school social worker or other qualified pupil appraisal staff member;

4. an interview with the student's teacher(s);

5. observation of the student's academic and/or social behaviors in daily activities conducted by pupil appraisal personnel;

6. an assessment of the student's hearing sensitivity and acuity with and without amplification conducted by a physician with specialized training or experience in the diagnosis and treatment of hearing impairments and/or a licensed audiologist;

7. the above interviews in 2, 3, and 4 should include the following discussions:

a. the student's language and communication needs;

b. opportunities for direct communication needs with peers and professional personnel in the student's language and communication mode;

c. academic levels;

d. the full range of needs, which include opportunities for direct instruction in the student's language and communication mode;

8. the Statewide Assessment Center for students with hearing impairments may be used as a resource to conduct the evaluation;

9. a speech and language assessment of receptive and expressive language to include the student's language level and communication skills conducted by a speech/ language pathologist. The examiner should be fluent in the child's primary mode of communication or should utilize the services of a qualified interpreter/ transliterator, when necessary;

10. an educational/developmental assessment conducted by an educational diagnostician or other qualified pupil appraisal member for the purpose of identifying academic and environmental adjustments needed;

11. the LEA should notify State Deaf-blind Census of all students who have both hearing and visual impairments.

E. Re-Evaluation. The re-evaluation of students classified with hearing impairments shall include the following procedures:

1. all requirements specified under the Individual Evaluation Process: Re-evaluation Section of this Handbook, including vision screening and the following assessments and information;

a. assessments to determine receptive and expressive language levels and academic levels of functioning in relationship to the general curriculum must be reviewed/or administered to determine progress;

b. the information from the teacher(s) must determine opportunities for direct communication and instruction with peers and professional personnel in the student's language and communication mode;

2. if appropriate, an assessment by a physician with specialized training or experience in the diagnosis and treatment of hearing impairments and/or licensed audiologist, of the student's hearing sensitivity and speech understanding with and without amplification, when possible;

3. a comprehensive vision examination conducted by an ophthalmologist or an optometrist at least once during the student's educational career (as soon as the student is of sufficient age for valid test results to be obtained, i.e., approximately 6 years) in order to screen for the possible presence of any progressive eye disease. Students who are considered "at risk" for Usher Syndrome shall receive a comprehensive vision examination by an ophthalmologist or optometrist by the age of 14 years.

a. "At-risk" indicators are the following:

i. immediate family member(s) diagnosed with Usher Syndrome;

ii. difficulty seeing in low lighting situation;

iii. glare sensitivity;

iv. difficulty seeing people/objects in visual periphery;

v. difficulty in focusing on objects/written word;

vi. balance problems.

b. Students identified through screening, as "at risk" shall be referred to an ophthalmologist for assessment to document the presence of any disease process.

4. Any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1639 (August 2004).

§317. Mental Disability

A. Definition. *Mental Disability* refers to substantial limitations in present functioning with the following characteristics:

1. significantly subaverage intellectual functioning, existing concurrently with:

a. related limitations in two or more of the following applicable life skill areas:

i. communication;

ii. home living;

iii. community use;

iv. health and safety;

v. leisure;

vi. self-care;

vii. social skills;

viii. self-direction;

ix. functional academics;

x. work;

2. mental disability manifested before age 18;
3. reflects a level of academic or pre-academic functioning below chronological age expectation;
4. in every case, determinations of a mental disability shall be based on an assessment of a variety of factors including educational functioning, adaptive behavior, and past and current developmental activities (e.g., indices of social, intellectual, adaptive, verbal, motor, language, emotional, and self-care development for age);
5. for all students meeting the classification of Mental Disabilities as defined in 1-3, the degree of impairment should be specified:

- a. the measured intelligence of a student with a Mental Disability **C**Mildly Impaired generally falls between two and three standards deviations below the mean, and the assessed adaptive behavior falls below age and cultural expectations and generally within the same deviation as the intellectual functioning;

- b. the measured intelligence of a student with a Mental Disability **C**Moderately Impaired generally falls between three and four standard deviations below the mean, and the assessed adaptive behavior falls below age and cultural expectations and generally within the same deviation as the intellectual functioning;

- c. the measured intelligence of a student with a Mental Disability **C**Severely Impaired generally falls between four and five standard deviations below the mean, and the assessed adaptive behavior falls below age and cultural expectations and generally within the same deviation as the intellectual functioning;

- d. the measured intelligence of a student with a Mental Disability **C**Profoundly Impaired generally falls below five standard deviations below the mean, and the assessed adaptive behavior falls below age and cultural expectations, generally within the same deviation as the intellectual functioning.

B. Criteria For Eligibility. Criteria 1 through 5 must all be met.

1. The learning problems are not due primarily to such factors as follow:

- a. other disabling conditions;
- b. lack of educational opportunity;
- c. emotional stress in the home or school;
- d. difficulty adjusting to school;
- e. curricular change;
- f. a temporary crisis situation;
- g. environment, cultural differences, or economic disadvantage.

2. After an assessment of each area listed in §317.A.1 above, there must be evidence of two or more limitations in life skills that occur within the context of community environments typical of the individual's age peers and that are indexed to the person's individualized needs for support. These limitations should be comparable to the assessed level of intellectual functioning.

3. The overall adaptive behavior functioning is comparable to the assessed level of intellectual functioning.

4. The assessed level of intellectual functioning is two or more standard deviations below the mean.

5. Evidence exists that the student's academic or pre-academic skill functioning is comparable to the assessed level of intellectual ability.

6. Evidence exists that the deficits occurred during the developmental period.

C. Procedures for Screening

1. Pre-referral Activities shall be followed.

D. Procedures For Evaluation

1. The Individual Evaluation shall include the following procedures.

- a. sensory screening, if not previously conducted;
- b. a review of the student's educational, social, and medical and health history, including the attendance record;
- c. an interview with the student;

- d. an interview with the student's teacher in order to specify and define behaviorally the areas of concern, determine the teacher's expectations for the student and class, and clarify any previous interventions;

- e. a family interview conducted by a school social worker or other qualified pupil appraisal staff member to determine the student's strengths and the impact of social, cultural, developmental, and/or health factors on the student's difficulties;

- f. observation and study of the student's academic and/or social behaviors in daily activities;

- g. the development and implementation of individual interventions conducted or directed by pupil appraisal personnel;

- i. the intervention requirement may be waived only in circumstances in which the multidisciplinary team, after a thorough review and analysis, determines that previously conducted interventions met the requirements as stated in the Procedures for Evaluation for designated exceptionalities. Interventions conducted prior to the initiation of the individual evaluation must have included such procedures as systematic measurement, pre and post tests, etc., in order to be substituted for the intervention requirement. All intervention results must be analyzed and included in the evaluation report;

- h. a review and analysis of the results of the individual intervention(s) including systematic measurement of academic and/or social behaviors of concern conducted prior to and following implementation of the intervention, or prior to implementation with repeated measures during the intervention;

- i. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal staff member to determine the student's level of performance in the general education curriculum. The assessment should include informal and formal assessments; a classroom based assessment, an estimate or determination of instructional and frustrational levels, and an analysis of how the student's disability affects access to and progress in the general education curriculum;

- j. an assessment of adaptive behavior;

- k. an assessment in the ten life skill areas at A1a., and a determination of support needs for each limitation. (The Levels of Support chart in the appendix could be used as a tool in making these determinations.);

- l. a psychological assessment conducted by a certified school psychologist, which includes the following procedures:

- i. an appraisal of the information obtained as a result of the observation of the student in the classroom;

ii. an appraisal of emotional or cultural factors that may be causing or contributing to the student's problems;

iii. a standardized nondiscriminatory individual assessment of intellectual functioning:

(a) whenever it is necessary to conduct an individual intellectual assessment as a component of an individual evaluation, the examiner shall review all available information regarding the student, the student's family, and the socio-cultural background of the student to determine whether the intellectual assessment results have been unduly influenced by such factors;

m. an assessment of language development and/or communication skills conducted by a speech/language pathologist or other qualified pupil appraisal staff member;

n. other assessment procedures deemed necessary by the multidisciplinary team.

E. Re-evaluation.

1. The re-evaluation of students classified as having a Mental Disability shall consist of the following procedures:

a. all requirements specified under the Individual Evaluation Process: Re-Evaluation Section of this Handbook;

b. for students classified with a mental disability mildly impaired, an adaptive behavior assessment must be conducted;

c. any other assessments deemed appropriate by the Re-evaluation/IEP Team.

2. Since no measures are perfectly reliable and since so many factors can affect an individual's performance at a given time, it is imperative that all factors assessed when initially identifying a student with a mental disability be reconsidered during the re-evaluation. This requirement does not necessarily mean automatic "retesting."

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1640 (August 2004).

§319. Multiple Disabilities

A. Definition. *Multiple Disabilities* means concomitant impairments (such as mental disabilities/blindness, orthopedic impairments/deafness, autism/orthopedic impairments, or emotional disturbance/mental impairments), the combination of which causes such severe educational problems that these students require specific special educational services to meet the needs which result from both/all impairments. The term does not include individuals with deaf-blindness.

B. Criteria for Eligibility. Criteria 1 and 2 must both be met.

1. The full criteria for eligibility as determined by the evaluation of two or more of the conditions as described in this Handbook must be met. Each of these conditions must additionally be to a severe or moderate degree.

2. The individual cannot be educated in a special educational program specifically designed for one of the impairments with additional related services for the other condition.

C. Procedures for Screening

1. Requirements specified for the appropriate exceptionalities shall be followed.

D. Procedures for Evaluation

1. Procedures for evaluation appropriate to each suspected disabling condition as described in this handbook must be followed.

2. The evaluation must indicate and the pupil appraisal examiners must certify that the disabling conditions are each moderate or severe.

3. An educational assessment conducted by an educational diagnostician or other qualified pupil appraisal staff member indicating not only what educational strategies are needed but also how the severity of the student's needs leads to the classification of Multiple Disabilities.

E. Re-Evaluation

1. The re-evaluation of students classified as having multiple disabilities shall be conducted according to the requirements for re-evaluation for each condition that led to the classification and any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1642 (August 2004).

§321. Orthopedic Impairment

A. Definition. *Orthopedic Impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., Cerebral Palsy, amputations, and fractures or burns that cause contractures).

B. Criteria For Eligibility. Criterion 1 or 2, and 3 must be met:

1. muscular or neuromuscular disabilities that significantly limit the ability to move about, sit, or manipulate the materials required for learning.

2. skeletal deformities or abnormalities that affect ambulation, posture, and body use necessary in schoolwork;

3. impaired environmental functioning that significantly interferes with educational performance.

C. Procedures for Screening

1. Pre-Referral Activities, Excluding Requirement. 1d. shall be followed.

D. Procedures for Evaluation. The minimal evaluation shall include the following procedures:

1. a report of a medical examination conducted within the previous 12 months from a physician qualified by training or experience to assess the student's orthopedic or neurological problems. The report must provide a description of the impairment, any medical implications for instruction or physical education, and must indicate adaptive equipment and support services necessary for the student to benefit from the general curriculum, as appropriate. When the medical report indicates the student has a health or physical impairment requiring health technology, management, or treatments including a special diet or medication or that the student needs assistance with activities of daily living, the school nurse or other qualified personnel will conduct a health assessment;

2. an assessment of the need for adapted physical education shall be conducted;

3. when deemed necessary by the evaluation coordinator and the multidisciplinary team, an Occupational

Therapy assessment or Physical Therapy assessment, or both shall be conducted;

4. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal member that identifies educational and environmental adjustments needed;

5. a family interview conducted by a school social worker or other qualified pupil appraisal member to clarify parental concerns about the student's educational needs and to identify health care providers and/or community resources used in caring for the child's medical or physical needs.

E. Re-evaluation. The re-evaluation of students classified as having an Orthopedic Impairment shall include the following procedures:

1. all requirements specified under the Individual Evaluation Process: Re-Evaluation Section;

2. a medical evaluation as specified under the Procedures for Evaluation Section;

3. any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1642 (August 2004).

§323. Other Health Impairment

A. Definition. *Other Health Impairment* means having limited strength, vitality, or alertness including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems and may include such conditions as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit hyperactivity disorder, or attention deficit disorders; and adversely affects a student's educational performance.

B. Criteria for Eligibility

1. Criterion a or b, and c must be met. To be placed in this category, the individual shall possess certain impairments:

a. disabilities that result in reduced efficiency in schoolwork because of temporary or chronic lack of strength, vitality, or alertness, including such conditions as those specified in the definition;

b. a severe disability that substantially limits one or more of the student's major life activities (that is, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);

c. impaired environmental functioning that adversely interferes with his or her educational performance;

2. These disabilities must be other than those defined as disabling conditions in this handbook.

C. Procedures for Screening

1. Pre-referral activities shall be followed.

D. Procedures for Evaluation

1. The minimal evaluation for a student shall include the following procedures:

a. a report of a medical examination, conducted within the previous 12 months from a physician qualified by training or experience to assess the student's health problems, giving not only a description of the impairment but also any medical implications for instruction and physical education. When the medical report indicates the

student has a health condition requiring health technology, management or treatments including a special diet or medication or that the student needs assistance with activities of daily living, the school nurse or other qualified personnel will conduct a health assessment;

b. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal member that identifies educational and environmental adjustments needed;

c. a family interview conducted by a school social worker or other qualified pupil appraisal member to clarify parental concerns about the student's educational needs and to identify health care providers and/or community resources used in caring for the student's medical or physical needs;

d. any additional assessments deemed necessary by the evaluation coordinator and the multidisciplinary team.

E. Re-evaluation. The re-evaluation of students with other health impairments shall include the following procedures:

1. all requirements specified under the Individual Evaluation Process: Re-evaluation Section;

2. a medical evaluation as specified under the Procedures for Evaluation Section;

3. any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1643 (August 2004).

§325. Specific Learning Disability

A. Definition. *Specific Learning Disability* means a severe and unique learning problem as a result of significant difficulties in the acquisition, organization, or expression of specific academic skills or concepts. These learning problems are typically manifested in school functioning as significantly poor performance in such areas as reading, writing, spelling, arithmetic reasoning or calculation, oral expression or comprehension, or the acquisition of basic concepts. The term includes such conditions as attention deficit, perceptual disabilities, process disorders, minimal brain dysfunction, brain injury, dyslexia, developmental aphasia, severe language disorder, or sensory-motor dysfunction, when consistent with these criteria. The term does not include students who have learning problems that are primarily the result of visual, hearing, or motor impairments, mental disabilities, an emotional disturbance, environmental deprivation, cultural difference, lack of instruction in reading or mathematics, limited English proficiency or economic disadvantage.

B. Criteria for Eligibility

1. Criteria a through c must all be met.

a. The learning problems are not due primarily to certain factors:

i. lack of educational opportunity;

ii. emotional stress in the home or school;

iii. difficulty adjusting to school;

iv. lack of appropriate instruction;

v. other disabling conditions;

vi. environmental deprivation or economic disadvantage;

vii. cultural differences;

viii. lack of motivation; and/or

ix. temporary crisis situations.

b. There must be evidence that the student after receiving supportive and remedial regular educational assistance, and after receiving intervention services specific to the identified learning problems still exhibits a specific learning disability consistent with the definition.

c. There must be evidence of a severe discrepancy between achievement and ability as demonstrated by a difference of at least one standard deviation between the student's strongest and weakest performance in academic areas described as follows:

i. a relative academic strength as demonstrated by performance no more than one standard deviation below the mean in grades 3 through 12 or one-half standard deviation below the mean in grades K through 2 for the grade level appropriate for the student's chronological age in one or more of the areas listed under 2 below. The relative academic strength must, in addition, be at least one standard deviation higher than the lowest academic area identified in 2 below;

ii. an academic deficit or deficits, as demonstrated by performance greater than one and one-half standard deviations below the mean in grades K through 2, or two standard deviations below the mean in grades 3 through 12 for the grade level appropriate for the student's chronological age in one or more of the following areas:

- (a). basic reading skills;
- (b). reading comprehension;
- (c). mathematics calculations;
- (d). mathematics reasoning;
- (e). oral expression;
- (f). listening comprehension;
- (g). written expression;
- (h). other age-appropriate developmental skill areas (pre-academic) when more appropriate for kindergarten students;

2. The multidisciplinary team may use its professional judgment to determine whether a specific learning disability exists, when an academic strength is indicated by a preponderance of the data collected as a part of the evaluation. These data must include, at a minimum, the implementation and analysis of classroom-based assessment and teacher interview(s); it may include any other data collected through the results of individual interventions, the results of the student observation, classroom formal or informal procedures. Whenever the multidisciplinary team decides to use these data to classify a student with a Specific Learning Disability, a full explanation and justification must be included in the evaluation report.

C. Procedure for Screening

1. Pre-referral activities shall be followed.

D. Procedures for evaluation:

1. sensory screening, if not previously conducted;
2. a review of the student's educational, social, and medical history, including the attendance record;
3. an interview with the student;
4. the student's regular teacher must serve on the team in order to specify and define behaviorally the areas of concern, to determine the relationship of the behavior to the student's academic functioning, and to clarify any previous interventions:

a. if the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or for a student of less than school age, an individual certified by the State Department of Education to teach a student of his or her age must serve on the team;

5. a family interview conducted by a school social worker or other qualified pupil appraisal member to determine the impact of educational, environmental, socio-economic, cultural, developmental, emotional, and/or special diet, medications or other health factors on the student's current performance;

6. observation and study of the student's academic performance in the regular classroom and social behaviors in daily activities. In the case of a child of less than school age or out of school, the child shall be observed in an environment appropriate for a child of that age;

7. the development and implementation of individual interventions conducted by Pupil Appraisal personnel for a reasonable period of time:

a. the intervention requirement may be waived only in circumstances in which the multidisciplinary team, after a thorough review and analysis, determines that previously conducted interventions met the requirements as stated in the Procedures for Evaluation for designated exceptionalities. Interventions conducted prior to the initiation of the individual evaluation must have included such procedures as systematic measurement, pre and post tests, etc. in order to be substituted for the intervention requirement. All intervention results must be analyzed and included in the evaluation report;

8. a review and analysis of the results of the individual intervention(s) including systematic measurement of academic and social behaviors of concern conducted prior to and following implementation of the intervention(s), or prior to implementation with repeated measures during the intervention(s);

9. an assessment conducted to identify and describe the student's primary learning disability. This assessment shall include the following procedures:

a. an assessment of the student's learning problems within the educational context and with respect to the referral problem;

b. an appraisal of emotional or cultural factors that may be causing or contributing to the student's problems;

c. an assessment of the student's achievement motivation;

10. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal member to determine the student's level of performance in academic areas. The assessment must include a classroom-based assessment of the general curriculum, informal and formal assessments, an estimate or determination of instructional and frustrational levels, and an analysis of how the student's disability affects access to and progress in the general curriculum;

11. a psychological assessment conducted by a certified school psychologist, when necessary, to rule out a mental disability as the primary condition;

12. a speech/language assessment conducted by a speech/language pathologist when oral expression or

listening comprehension is suspected to be an area of impairment;

13. when neurological or other health/medical problems are suspected, an assessment conducted by a physician, neurologist, or neuropsychologist.

E. Re-Evaluation. The re-evaluation of students classified with a Specific Learning Disability shall consist of, at a minimum, all requirements specified under the Individual Evaluation Process: Re-Evaluation Section of this handbook and any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1643 (August 2004).

§327. Speech or Language Impairment

A. Definition. *Speech or Language Impairment* means a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a student's educational performance.

1. Dialectal variations alone do not qualify a student to be classified as having speech or language impairment.

B. Criteria for Eligibility. Criteria 1, 2, 3 or 4 and 5 must be met for a student to be classified as having a Speech or Language Impairment.

1. Articulation. Non-maturational speech disorder of one or more phonemes characterized by consistent omission or incorrect production of speech sounds.

2. Fluency. Inappropriate rate and time patterning of speech at least 5 percent of the time, characterized by any of the following: sound and syllable repetitions, sound prolongations, audible or silent blocking, interjections, broken words, circumlocutions, or words produced with an excess of tension and accompanied by ancillary movements that are indicative of stress or struggle. A student exhibiting normal non-fluencies occurring during the developmental speech stage does not meet this criterion.

3. Voice. Any inappropriate consistent deviation in pitch, intensity, quality, or other basic phonatory or resonatory attribute.

4. Language. Impaired receptive, integrative, or expressive disorder of phonology, morphology, syntax, semantics, or pragmatics. A student shall exhibit a deficit of at least 1.5 standard deviations below the mean based on chronological age. If the student is functioning below age level in all areas, developmental functioning levels should be considered.

5. There is documented evidence that the impairment significantly interferes with the student's educational performance or significantly interferes with the student's developmental functioning to a degree inappropriate for his or her cultural and social background or overall developmental level.

a. Some language difficulties cannot be described as a difference from the norm either because specific norms are not available or because the individual's language is deviant in a way not described adequately by developmental norms. In such cases, language samples should be analyzed and the language behavior should be documented with deviations described in various settings. An overall picture of language behavior should be described. Students who are non-verbal communicators shall be described, using their

augmentative and/or alternative communication needs or modes.

C. Procedures for Screening

1. Pre-referral activities shall be followed.

2. A developmental screening for children aged 3 through 5 shall be conducted to rule out the presence of additional impairments.

a. If delays other than speech are evident as a result of screening, then follow developmental delay or one of the other categorical exceptionalities procedures for 3- through 5-year-old children.

D. Procedures for evaluation:

1. a speech/language assessment conducted by a licensed speech/language pathologist, which shall include the following procedures:

a. the use of standardized test instruments and/or published normative data in speech pathology or child development;

b. formal or informal analysis of a communication sample;

c. additional information gathered from sources such as criterion-referenced materials, communication-related data collected by other professionals (including other pupil appraisal personnel and teachers), and an observation of communication skills;

d. an assessment of the structure and function of the oral peripheral mechanism;

e. augmentative alternate communication needs when appropriate;

2. an educational assessment conducted to review academic skills and to determine whether the speech or language impairment significantly interferes with the student's educational performance. This assessment may be conducted by a qualified pupil appraisal staff member or the student's classroom teacher, when appropriate. The effect of the speech or language impairment on educational performance must be documented in the evaluation report, including an analysis of how the student's disability affects access to and progress in the general curriculum;

3. an assessment conducted by an appropriate medical specialist in all cases in which there is a suspected voice impairment;

4. information from a parent conference or other communication with the parent(s) to determine whether developmental, health, or other factors may be causing, contributing to, or sustaining the speech or language problem;

5. medical, psychological, and additional educational assessments shall be requested by the evaluation coordinator, when appropriate to the evaluation of the suspected disability.

E. Re-evaluation. The re-evaluation of students with speech or language impairments shall consist at a minimum of all requirements as specified under the Individual Evaluation Process: Re-evaluation Section and any other assessments deemed appropriate by the Re-Evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1645 (August 2004).

§329. Talented

A. Definition. *Talented* means possession of measurable abilities that give clear evidence of unique talent in visual or performing arts or both.

B. Criteria For Eligibility. Criteria 1 and 2 must be met.

1. The student must meet all screening criteria in C. below.

2. Creative abilities in visual and/or performing arts grades K-12 must be demonstrated.

a. Music. For grades K-6: criterion i or ii, plus iii and iv or v must be met. For grades 7-12: criteria iii, plus iv or vi must be met.

i. For grades K-3: the student must obtain a score of 35-40 on the state-approved music evaluation instruments.

ii. For grades 4-6: the student must obtain a score of 30-35 on the state-approved music evaluation instrument.

iii. The student must obtain a score of 18-20 on the music interview scale.

iv. For grades K-12: the student must obtain a score of 27-30 on the instrumental music audition scale, if performing prepared selections, or a score of 23-25, if performing improvisations.

v. For grades K-6: the student must obtain a score of 33-35 on the vocal music audition scale.

vi. For grades 7-12: the student must obtain a score of 47-50 on the vocal music audition scale

b. Theater: Criteria i and ii, or i and iii must be met.

i. The student must obtain a score of 13-15 on the theater interview scale.

ii. For grades K-6: the student must obtain a score of 42-45 on the theater audition scale.

iii. For grades 7-12: the student must obtain a score of 47-50 on the theater audition scale.

c. Visual Arts: Criteria i and ii, or iii and iv must be met.

i. For grades K-6: the student must obtain a score of 12-15 on the *Art Recognition Test*.

ii. For grades K-6: the student must obtain a score of 26-30 on the *Narrative Drawing Test*.

iii. For grades 7-12: the student must obtain a score of 26-30 on the *Design Test*.

iv. For grades 7-12: the student must obtain a score of 42-45 on the *Drawing Test*.

3. State-approved art, music, and theater screening instruments and evaluation instruments are located in the *Talent Evaluation Kit*.

C. Procedures for Screening

1. A student is identified by his or her regular or special education teacher, as having artistic needs not being met in the regular class in which the student is enrolled.

2. The regular or special education teacher completes the appropriate screening instrument (Visual Arts, Music, or Theater).

3. Each item receiving a score of four or above on the rating scale must be documented with examples, or samples of the student's work, whichever is more appropriate.

4. The student must score in the range of 33-35 on the visual arts screening instrument, or 33-35 on the music instrument or 48-50 on the theater-screening instrument to warrant an evaluation.

D. Procedures for Evaluation. The minimal evaluation for a student shall consist of the following procedures.

1. An assessment of performance conducted simultaneously, independently, and without discussion of results by at least two state-approved specialists in the arts, using state-approved procedures and instruments.

2. A pupil appraisal evaluation coordinator designated from among pupil appraisal personnel to attend the performance in 1 above and integrate all evaluation results into a report that indicates whether or not the student is talented, consistent with the criteria for the appropriate classification of talented.

3. LEA selected specialists in music, theater, or visual arts who meet either Criteria a and c, or b and c below and are not employed by the LEA.

a. The specialist must possess an advanced degree in music, theater, visual arts education, or fine arts, and be currently employed in that field.

b. The specialist must have been recognized as a performing artist in the community, state, or nation and must have submitted evidence of this recognition to the State Department of Education.

c. The specialist must have been trained and approved by the State Department of Education.

E. Re-evaluation. A re-evaluation must be conducted at least every three years. For students whose only exceptionality is Talented, the re-evaluation may be accomplished through the IEP process at the time of an IEP review meeting not through the Re-evaluation/IEP process. Informed Parental Consent of the re-evaluation must be sent to parents prior to the IEP Review meeting in which a re-evaluation will be conducted. If no concerns are evident with the student's current program, no evaluation report is required. This discussion will be documented on the IEP form and a copy of the IEP form will be forwarded to pupil appraisal.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1646 (August 2004).

§331. Traumatic Brain Injury

A. Definition. *Traumatic Brain Injury* means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, or motor abilities; psychosocial behavior; physical functions; information processing and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

B. Criteria for eligibility:

1. documented medical evidence of an external insult to the brain causing an impairment in accordance with the definition exists; and

2. the impaired functioning significantly affects educational performance.

C. Procedures for Screening

1. Pre-referral Activities shall be followed.

D. Procedures for evaluation:

1. medical documentation that there has been an external insult to the brain, which causes an impairment to the cognitive, physical, behavioral or emotional functioning of the individual. A health assessment conducted by a school nurse or other qualified personnel when the medical report indicates the student has an impairment requiring health technology, health management or health treatments including a special diet or medication or needs assistance with activities of daily living;

2. a psychological assessment conducted by a certified school psychologist or other qualified pupil appraisal member to determine the status of cognitive, behavioral and emotional functioning;

3. a family interview conducted by a school social worker or other qualified pupil appraisal member to determine not only the status of social interaction behaviors, but also the impact of social, cultural, developmental factors on the student's difficulties;

4. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal member to determine the need for educational and environmental adjustments;

5. a speech/language evaluation conducted by a speech/language pathologist to determine whether there are speech or language difficulties;

6. any other assessment procedures deemed necessary by the multidisciplinary team.

E. Re-evaluation The re-evaluation of students classified as having traumatic brain injury shall include the following procedures:

1. all requirements specified under Individual Evaluation Process: Re-Evaluation Section;

2. a medical evaluation or health assessment as specified in the Procedures for Evaluation in D1. above, when deemed appropriate by the Re-evaluation/IEP Team;

3. any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1646 (August 2004).

§333. Visual Impairment

A. Definition. *Visual Impairment* (including blindness) means an impairment in vision that even with corrections adversely affects a student's educational performance. The term includes both partial sight and blindness.

B. Criteria for Eligibility. Criterion 1 and either 2, 3, 4, or 5 must be met:

1. loss of vision which significantly interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment;

2. visual acuity in the better eye or eyes together with best possible correction of:

a. blindness-20/200 or less distance and/or near acuity; or

b. partial sight-20/70 or less distance and/or near acuity;

3. blindness due to a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees and that it affects the student's ability to learn;

4. progressive loss of vision, which may in the future affect the student's ability to learn;

5. other blindness resulting from a medically documented condition.

C. Procedures for Screening

1. Pre-referral activities shall be followed.

2. Orientation and mobility screening will be conducted to screen the student's ability to travel around in his or her environment. (There is a suggested screening checklist in the Appendix.) Based on the results of the screening, an assessment conducted by a qualified orientation and mobility instructor may be warranted.

D. Procedures for Evaluation. The minimal evaluation shall consist of the following procedures:

1. an eye examination conducted by an ophthalmologist or optometrist. When the impairment results from an active disease process, it shall be verified in the report of an ophthalmologist. When this condition is progressive or unstable, the need for a yearly eye examination shall be documented in the integrated report;

2. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal member for the purpose of identifying educational and environmental adjustments:

a. a functional vision assessment (an assessment of the degree to which the student utilizes vision to operate within the environment);

b. an assessment of the student's reading and writing skills, including the student's needs in appropriate reading and writing media (including an assessment of the student's future needs for instruction in Braille or the use of Braille). For the student who is a non-reader, learning medium assessment would involve systematic examination of how he/she obtains information (visually, tactually, and/or auditorally);

c. appraisal personnel may refer to the *Resource Manual for Administrators and Teachers of Students with Visual Impairments* for additional information on assessing students with visual impairments;

3. an assessment conducted by a qualified orientation and mobility instructor for the purpose of identifying the student's ability to travel safely and efficiently in a variety of environments and situations with or without the use of special mobility devices and visual aids;

4. a family interview conducted by a social worker or other qualified pupil appraisal staff member, which addresses certain factors:

a. the needs of the family in understanding the student;

b. the community service agencies currently providing assistance to the family in relationship to the student;

c. the expectations of the parents for the student;

d. an appraisal of self-help and other functional skills exhibited at home;

5. a developmental screening or assessment (if the student is less than 6 years of age) conducted by persons trained in such procedures;

6. when the data indicate a severe visual impairment, the evaluation coordinator should consider referring the student to the approved specialized statewide assessment center at the Louisiana School for the Visually Impaired

(LSVI). The center will assist the LEA in conducting specialized aspects of the evaluation;

7. the LEA shall notify State Deaf-blind Census of all students who have both visual and hearing impairments.

E. Re-Evaluation. The re-evaluation of students classified, as having visual impairments shall consist of the following procedures:

1. those requirements specified under the Individual Evaluation Process: Re-evaluation Section;

2. an eye examination conducted by an ophthalmologist or an optometrist:

a. if the student's impairment is a progressive or unstable loss of vision and if the required annual eye examination has been conducted, the results may be reviewed;

b. if the student's eye condition is permanent blindness and if written documentation from an ophthalmologist is attached to the re-evaluation report, this examination need not occur. When additional conditions associated with the visual impairment are suspected, the Re-evaluation/IEP Team should request this examination;

3. consideration shall be given to the appropriateness of current reading/learning media and travel abilities, especially for the student whose vision may change or may have changed. Any other assessments deemed appropriate by the Re-evaluation/IEP Team.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1647 (August 2004).

Chapter 5. Special Services

§501. Special Services

A. As used in this section, are included in the term *Special Education*, which means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. They include assistive technology when required as part of the student's special education; instruction in physical education (including special physical education, adapted physical education, movement education, and motor development); speech/language pathology services when the service is considered special education rather than a related service; travel training; and vocational education.

B. At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or to their parents as a part of the regular education program.

C. Specially-designed instruction means adapting, as appropriate, to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability; and ensuring access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the LEA that apply to all students.

D. Specific criteria for eligibility for adapted physical education and assistive technology are immediately following this introduction. When specific criteria to determine eligibility for other special services become necessary, they will be added to the document.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1648 (August 2004).

§503. Adapted Physical Education

A. Definition. *Adapted Physical Education* is specially designed physical education for students with disabilities who may not safely or successfully engage in unrestricted participation in the vigorous activities of the regular physical education program on a full-time basis and for children with disabilities aged three through five, who meet the criteria below.

1. Adapted Physical Education is a direct instructional service for students with disabilities. The provision of services shall be determined at the IEP Team meeting, using the recommendations of the adapted physical education evaluator and the results of the motor assessment. The continuation of services shall be determined by the IEP Team at the annual IEP Review using the recommendations of the adapted physical education teacher.

B. Criteria for Eligibility

1. Children aged 3 through 5 years:

a. evidence of a motor deficit as demonstrated by performance at least one and one-half standard deviations below the mean for the student's chronological age on instruments that measure a broad range of fine and gross motor abilities. Some instruments used to assess students aged three through five years may yield a developmental age score instead of a standard score. In such cases, the student must demonstrate a motor delay of a least 20 percent of the chronological age:

i. students with a motor delay of 20 percent to 60 percent shall be identified as having motor deficits in the mild/moderate range;

ii. students with a motor delay of 61 percent or greater shall be identified as having motor deficits in the severe range;

b. corroboration of the motor deficit and the need for adapted physical education provided by the evaluator based upon observation of the student.

2. Students aged 6 through 21:

a. evidence that the student meets 70 percent or less of the state-identified physical education competencies, using the *Competency Test for Adapted Physical Education*, for the grade level appropriate to the student's chronological age:

i. students meeting 45 to 70 percent of the competencies shall be identified as having motor deficits in the mild range;

ii. students meeting 20 to 44 percent of the competencies shall be identified as having motor deficits in the moderate range;

iii. students meeting 19 percent or less of the competencies shall be identified as having motor deficits in the severe range;

b. corroboration of the motor deficit and the need for adapted physical education provided by the evaluator based upon observation of the student.

3. Students classified as having Emotional Disturbance, Traumatic Brain Injury, or Other Health Impairment:

a. documented evidence that the student is unable to participate in a regular physical education class as a result of a serious emotional disorder, brain injury, or a chronic or acute health condition;

b. corroboration of the condition and the need for adapted physical education provided by the evaluator, based upon observation of the student.

C. Procedures for screening:

1. screening shall be conducted as indicated in pre-referral activities §105.E, Motor Screening;

2. anecdotal records or observations of motor skills, documenting the specific concerns causing the referral, conducted by the person responsible for the physical education program.

D. Procedures for Evaluation. The evaluation shall include a minimum of the following procedures:

1. for students aged birth-five years: An assessment of motor abilities conducted by a certified adapted physical education teacher or professional experienced in motor assessment;

2. for students aged six - twenty-one: An assessment of grade/age level physical education competencies using the *Competency Test of Adaptive Physical Education* conducted by a certified adapted physical education teacher;

3. for students with diagnosed emotional disturbance, traumatic brain injury or other health impairments: Written documentation verifying a significantly reduced performance that prevents safe and successful participation in a regular physical education class. For students with emotional disturbance, the documentation must be provided by a certified school psychologist, licensed psychologist, or psychiatrist and an adapted physical education evaluator. For students with other health impairments or traumatic brain injury, the documentation must be provided by a physician and an adapted physical education evaluator;

4. observation of the student in both structured (e.g., one-on-one with the evaluator) and unstructured (e.g. free play, recreational) settings. These observations should focus on, but not be limited to, those motor deficits identified by the motor assessment instrument;

5. recommendations for specific types of activities and/or adaptations necessary to meet the physical education needs of the student should be included in the evaluation report.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1648 (August 2004).

§505. Assistive Technology

A. Definition.

Assistive Technology Services—any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. Included in these services are procedures:

a. an evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;

b. the purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for students with disabilities;

c. the selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

d. the coordinating and using of other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

e. the training or technical assistance necessary for a student with a disability, or where appropriate, for the student's family;

f. the training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or who are otherwise substantially involved in the major life functions of that student;

2. *Assistive Technology Device* is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, used to increase, maintain, or improve the functional capabilities of a student with a disability.

a. Assistive Technology encompasses a broad range of devices from very simple ("low technology") to very sophisticated ("high technology").

B. Criteria for Eligibility

1. a and b must be met:

a. the student must be classified and eligible for special educational services;

b. there is documented evidence that assistive technology is required within the educational setting.

2. Each LEA shall ensure that assistive technology devices and/or assistive technology services are made available to a student with a disability, if required, as a part of the student's special education, related services, or supplementary aids and services. Consideration should be given for every student with a disability who is eligible for an individualized education program as to whether the student requires assistive technology devices and/or services to receive an appropriate education.

C. Procedures for Screening

1. A review of available medical and/or educational information, environmental concerns, and anecdotal records must be conducted to determine whether the assistive technology needs of the student have been considered.

2. Assistive technology screening will be conducted to document physical, social, and motor areas where assistive technology might be considered.

D. Procedures for Evaluation

1. The assistive technology evaluation shall be conducted by qualified professional(s) with the level of expertise necessary to address the specific areas of concern. These professionals may include, but are not limited to audiologists, occupational therapists, physical therapists, speech/language pathologists, teachers of the visually impaired, adapted physical education teachers:

a. an observation of the student interacting with parents, teachers or peers in the educational environment during daily activities. The utilization of observational tools such as interaction checklists, criterion-based instruments, task analysis, and needs assessment, etc., is recommended;

b. an interview with the primary care providers and classroom teacher(s) to determine what intervention strategies for assistive technology devices and services, if any, have already been attempted or provided and what the results were;

c. an assessment of the student's current mobility, seating, positioning, and neuromotor ability, if applicable, to determine selection techniques and the method(s) of access for assistive technology as well as to address further seating, positioning, and mobility needs;

d. the results of an assessment with a variety of assistive technology devices that would be appropriate for the student. Trials with assistive technology devices could include options for both low technology and high technology solutions:

i. the student and family should be involved in this process to ensure the likelihood that the technology that is selected will be used;

ii. specific recommendations for educationally necessary interventions, strategies and/or modifications of assistive technology devices and/or services should be included in the evaluation report. Recommendations should also include personnel who will need training and technical assistance to work with the student.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1649 (August 2004).

Chapter 7. Related Services

§701 Related Services

A. As defined in *Bulletin 1706* **Related Services** means transportation and such developmental, corrective, and other supportive services as are required to assist a student with an exceptionality to benefit from special educational services. Related services include speech/language pathology and audiological services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, early identification and assessment of disabilities in students, counseling services including rehabilitation counseling, assistive technology devices and services, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parental counseling and training.

B. When the need for such services is indicated by the referral concerns during the evaluation process, the evaluation coordinator shall ensure that appropriate and qualified personnel participate in the evaluation process. The criteria for eligibility for school health services, occupational therapy, orientation and mobility services, physical therapy, and speech/language pathology services immediately follow this introduction. Eligibility criteria for other related services are based on written documentation of need. When specific criteria to determine eligibility for other related services are necessary, they will be added to the document.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1650 (August 2004).

§703. Occupational Therapy

A. Definition.

1. *Occupational Therapy* services include the following procedures:

a. evaluating students with disabilities by performing and interpreting tests and measurements and/or clinical observations of neurophysiological, musculoskeletal, sensorimotor functions and daily living skills;

b. planning and implementing treatment strategies for students based on evaluation findings;

c. improving, developing, restoring or maintaining functions impaired or lost through illness, injury, or deprivation;

d. improving or maintaining ability to perform tasks for independent functioning when functions are impaired or lost;

e. administering and supervising therapeutic management of students with disabilities, recommending equipment and providing training to parents and educational personnel.

2. Each school system shall identify, locate, and evaluate each suspected student with disabilities, birth through 21 years of age, but is responsible for providing OT services to only those eligible students ages 3 through 21. The provision of services shall be determined at the IEP Team meeting, using the input of the occupational therapist and the results and recommendations of the therapy assessment. The continuation of services shall be determined at the annual IEP review using input of the therapist.

B. Criteria for Eligibility

1. Both Subparagraphs a and b must be met.

a. The student is classified and eligible for special educational services. There is documented evidence that occupational therapy is required to assist the student to benefit from the special educational services.

b. The student demonstrates a motor impairment in one of the following categories: Developmental, Motor Function, or Sensorimotor.

i. Developmental. Students (excluding those with neurophysiological impairments) who demonstrate a fine motor, visual motor, oral motor, or self help delay. *Functional abilities* are defined as the student's overall educational performance in the areas of cognition, communication, social, self help, and gross motor.

(a). Students with Disabilities Ages 3y0m-5y6m. Students who demonstrate a fine motor, visual motor, oral motor or self help delay greater than 1 standard deviation below functional abilities as measured by an appropriate assessment instrument. Some instruments yield a developmental age score instead of a standard score. In such cases, a student must demonstrate a delay of at least 6 months below functional abilities.

(b). Students with Disabilities Ages 5y7m-9y11m. Students who demonstrate a fine motor, visual motor, oral motor or self help delay greater than 1 standard deviation below functional abilities as measured by an appropriate assessment instrument. Some instruments yield a developmental age score instead of a standard score. In such cases, a student must demonstrate a delay of at least 12 months below functional abilities.

(c). Students with Disabilities Ages 10y0m-21y. Students who demonstrate a fine motor, visual motor, oral motor or self help delay greater than 1 standard deviation below functional abilities as measured by an appropriate assessment instrument. Some instruments yield a developmental age score instead of a standard score. In such cases, a student must demonstrate a delay of at least 18 months below functional abilities.

ii. Motor Function. According to clinical and/or behavioral observations (which may include, but are not limited to available current medical information, medical history and/or progress reports from previous therapeutic intervention), the student exhibits neurophysiological limitations or orthopedic limitations, that affect his or her physical functioning in the educational setting. These limitations might include abnormalities in the area(s) of fine motor, visual motor, oral motor, or self help skills. In addition to OT assessment, current student information must indicate one of the following abilities:

(a). an ability to improve motor functioning with occupational therapy intervention; or

(b). an ability to maintain motor functioning with therapeutic intervention (if the student maintains motor functioning without therapeutic intervention, OT would not be required in the educational setting); or

(c) an ability to slow the rate of regression of motor function with therapeutic intervention (if the student has a progressive disorder).

iii. Sensorimotor. According to clinical behavior observation and/or an appropriate assessment instrument, the student exhibits an inability to integrate sensory stimulus effectively, affecting his or her capacity to perform functional activities within the educational setting. These activities might include abnormalities in the area of fine motor, visual motor, oral motor, self-help or sensory processing (sensory awareness, motor planning and organization of adaptive responses).

2. In addition to OT assessment, current student information must indicate an ability to improve functional activity performance through OT intervention.

C. Procedures for Evaluation

1. The assessment shall be conducted by an occupational therapist and shall include at a minimum the following procedures:

a. a review of available medical and educational information, environmental concerns, anecdotal records and observation of motor skills which document the specific concerns causing the referral;

b. an assessment of motor abilities.

2. For students ages 6-21, the assessment should be conducted in the educational environment.

3. The occupational therapist's assessment should be designed to answer the questions listed below.

a. Does this problem interfere with the student's ability to benefit from his or her educational program?

b. Is there a likely potential for change in the student's educational functioning if he/she receives therapeutic intervention?

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1650 (August 2004).

§705. Orientation and Mobility Services

A. Definition. *Orientation and Mobility Services* means services provided to blind or visually impaired students by a university or agency trained and certified professional to enable those students to attain systematic orientation to and safe movement within their environment in school, home and community. These include teaching students appropriate skills:

1. spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g. using sound at a traffic light to cross the street);

2. use of the long cane as a tool to supplement visual travel skills or as a tool to safely negotiate the environment for students with no available travel vision;

3. the understanding and use of one's remaining vision and distance low vision aids;

4. other concepts, techniques, and tools.

B. Criteria for Eligibility

1. Both a and b must be met.

a. The student must be classified and eligible under federal or state law as an individual with a visual impairment.

b. There is documented evidence that orientation and mobility services are required to enable the student to benefit from special education.

C. Procedures for screening:

1. orientation and mobility screening conducted to assess the student's ability to travel around in his or her environment (Suggested screening procedures are in the Appendix.);

2. anecdotal records or observation of behaviors that document impaired visual function relating to the student's ability to travel safely and efficiently in a variety of environments.

D. Procedures for Evaluation. The assessment shall be conducted by an orientation and mobility instructor recognized by the State Department of Education. The assessment shall include the following information:

1. an assessment of the student's ability to travel safely and efficiently in a variety of environments and situations with or without the use of special mobility devices and visual aids;

2. a listing of the student's observed strengths and weaknesses in the area of travel safety and mobility skills;

3. recommendations concerning the student's demonstrated need for formal orientation and mobility training within the specific areas. These recommendations should be addressed by the IEP Team in planning the student's educational program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1651 (August 2004).

§707. Physical Therapy

A. Definition. *Physical Therapy* services includes:

1. evaluating students with disabilities by performing and interpreting tests and measurements and/or clinical observations of neurophysiological, musculoskeletal, cardiovascular, respiratory, and sensorimotor functions;

2. planning and implementing treatment strategies for students based on evaluation findings;

3. improving, maintaining and/or slowing the rate of regression of the motor functions of a student to enable him/her to function in his educational environment;

4. administering and supervising therapeutic management of students with disabilities, recommending equipment and providing training to parents and educational personnel.

B. Each school system shall identify, locate, and evaluate each suspected child/student with disabilities, birth through 21 years of age, but is responsible for providing PT services only to those eligible students ages 3 through 21. The provision of services shall be determined at the IEP Team meeting using the input of the therapist and the results and recommendations of the therapy assessment. The continuation of services shall be determined at the annual IEP review using input of the therapist.

C. Criteria for Eligibility

1. Both a and b must be met.

a. The student is classified and eligible for a special educational program. There is documented evidence that physical therapy is required to assist the student to benefit from special education.

b. The student demonstrates gross motor impairment in either the Developmental or Motor Function category.

2. Developmental. Students (excluding those with neurophysiological impairments) who demonstrate a gross motor delay. Functional abilities are defined as the student's overall educational performance in the areas of cognition, communication, social, self help, and fine motor.

a. Students with Disabilities Ages 3y0m-5y6m. Students who demonstrate a gross motor delay of 6 months or more below level of functional abilities as measured by an appropriate assessment instrument.

b. Students with Disabilities Ages 5y7m-9y11m. Students who demonstrate a gross motor delay of 12 months or more below level of functional abilities as measured by an appropriate assessment instrument.

c. Students with Disabilities Ages 10y0m-21y. Students who demonstrate a gross motor delay of 18 months or more below level of functional abilities as measured by an appropriate assessment instrument.

3. Motor Function. According to clinical and/or behavioral observations which may include but are not limited to available current medical information, medical history and/or progress reports from previous therapeutic intervention the student exhibits neurophysiological, orthopedic, cardiovascular, respiratory, or sensorimotor limitation that affect his or her gross motor functioning in the educational setting.

a. In addition to PT assessment, current student information must indicate one of the following:

i. an ability to improve motor functioning with physical therapy intervention;

ii. an ability to maintain motor functioning with therapeutic intervention (if the student maintains motor functioning without therapeutic intervention, PT would not be required in the educational setting);

iii. an ability to slow the rate of regression of motor function with therapeutic intervention (if the student has a progressive disorder).

D. Procedures for Evaluation

1. The assessment shall be conducted by a licensed physical therapist and shall include at a minimum the following procedures:

a. a review of available medical and educational information, environmental concerns, anecdotal records and observation of motor skills that document the specific concerns causing the referral;

b. an assessment of gross motor abilities:

i. for students ages 6-21, the assessment should be conducted in the educational environment.

2. The physical therapy assessment shall be designed to answer the following questions.

a. Does this problem interfere with the student's ability to benefit from his or her educational program?

b. Is there a potential for change in the student's educational functioning if he/she receives therapeutic intervention?

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1651 (August 2004).

§709. School Health Services

A. Definition. *School Health Services* are those related services specially designed for a student who has a disability (defined under federal and state statutes), having a special health need, and who is unable to participate in his or her educational program without the use of such health services, which may include, among others health treatments, technology, and/or management.

1. The school health services referred to in this section are those determined through a health assessment during the evaluation process. The provision of services will be meeting, using the input from the school nurse or other qualified personnel and the results and recommendations of the health assessment. The continuation of services will be determined at the annual IEP Review using input from the school nurse.

B. Criteria for Eligibility

1. Criteria a, b, and c must be met.

a. The student must be classified and eligible, under Federal or State law, as an individual with a disability.

b. There is documented evidence that special health services are required within the educational setting to enable the student to benefit from the special educational program.

c. A prescription from a physician or dentist licensed to practice in Louisiana or adjacent state prescribes the health treatment, technology, and/or health management that the student must have in order to function within the educational environment; or there is a documented need for a modification of his or her activities of daily living.

C. Procedures for Evaluation. When there is evidence of the need for health technology, treatment and/or management, the assessment of a student by a school nurse or other qualified personnel shall include at a minimum the following procedures:

1. an assessment of the student's health status conducted in the educational setting;

2. an analysis and interpretation of the special health service needs, health status, stability, complexity of the service, predictability of the service outcome, and risks that may be involved with improperly performed services.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1652 (August 2004).

§711. Speech/Language Pathology Services

A. Definition. *Speech/Language Pathology Services* includes:

1. identification of students with speech or language impairments;

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2. diagnosis and appraisal of specific speech or language impairments;

3. referral for medical or other professional attention necessary for the habilitation of speech or language impairments, as appropriate;

4. provision of speech and language services for the habilitation of communication or prevention of communication impairments;

5. assessment and interventions for augmentative/alternative communication;

6. counseling and guidance of parents, students, and teachers regarding speech and language impairments.

B. Each school system shall identify, locate, and evaluate each suspected child/student with disabilities, birth through 21 years of age, but is responsible for providing speech/language pathology services as a related service only to those eligible students ages 3 through 21. The provision of services shall be determined at the IEP Team meeting using the input of the therapist and the results and recommendations of the speech/language assessment. The continuation of services shall be determined at the annual IEP review using input of the therapist.

C. Criteria for Eligibility

1. Criteria a, b, and c must be met.

a. The student is classified as a student having a disability other than Speech or Language Impairment.

b. The student meets the criteria for eligibility for Speech or Language Impairment.

c. There is documented evidence that speech/language pathology services are required to assist the student to benefit from the special educational services.

2. Non-verbal students with disabilities who have augmentative communication needs may not be denied speech/language pathology services as a related service because an inability to assess using traditional methods.

D. Procedures for Evaluation

1. The assessment shall be conducted by following the procedures for evaluation under Speech or Language Impairment.

2. The speech/language assessment shall be designed to answer the following questions.

a. Does this problem interfere with the student's ability to benefit from his or her educational program?

b. Is there a likely potential for change in the student's educational functioning if he/she receives therapeutic intervention?

E. Provision for Services

1. Speech/Language Pathology Services may be provided through direct, consultation, or monitoring/tracking services as described in *Related Services Guidelines for IEP Teams*.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1652 (August 2004).

Weegie Peabody
Executive Director

0408#007

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 1934 Starting Points Preschool Regulations*. In an effort to align all early childhood prekindergarten programs under the jurisdiction of the Department of Education, the Starting Points Prekindergarten Regulations were revised. These revisions approved at the February 2004 meeting of the State Board of Elementary and Secondary Education (SBESE) seek to clarify certain policies as well as incorporate sections of previously approved guidelines into the new regulations. Revisions include clarification of teacher credentials and clarification of instructional time. Additionally the following policies were moved from the guidelines and placed as regulations: class schedule; student assessment; and use of equipment, materials, and supplies.

Title 28

EDUCATION

Part XXI. Bulletin 1934 Starting Points Preschool Regulations

Chapter 1. General Provisions

§101. Purpose

A. The Department of Social Services, lead agency for Temporary Assistance to Needy Families Block Grant, has allocated a portion of these funds to the Louisiana Department of Education for program development. The purpose of this program is to assist low income families by providing quality early childhood programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:274 (February 2002), LR 30: 1653 (August 2004).

§103. Program Philosophy

A. Local Starting Points Prekindergarten Programs will adhere to the developmental philosophy as outlined by the National Association for the Education of Young Children. Developmentally appropriate practices have proven to be effective in early childhood education. Inherent in this philosophy is the provision of a child-centered program directed toward the development of cognitive, social, emotional, communication and motor skills in a manner and at a pace consistent with the needs and capabilities of the individual child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:274 (February 2002), LR 30:1653 (August 2004).

Chapter 3. Eligibility

§301. Eligibility Criteria

A. In order to qualify for the Starting Points Prekindergarten Program, participants must:

1. be one year younger than the age eligible for kindergarten;
2. meet the requirements of law for immunization and documentation required for regular school enrollment, and
3. qualify for free or reduced price meals pursuant to the federal child nutrition program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 27:1685 (October 2001), LR 28:274 (February 2002), LR 30:1653 (August 2004).

§303. Eligibility Verification

A. School systems must maintain, at each program site, documentation of the student or his family's eligibility to receive free or reduced price meals pursuant to the federal child nutrition program.

B. Once eligibility is determined, it is valid for a period of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1654 (August 2004).

§313. Changes in Eligibility Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), LR 28:275 (February 2002), repealed LR 30:1654 (August 2004).

Chapter 5. Program Structure

§501. Health Requirements

A. All children enrolled in the Starting Points Prekindergarten Program must comply with the immunization requirements as established by the Department of Health and Hospitals. All local school systems/nonpublic schools will administer a vision and hearing-screening test to each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1654 (August 2004).

§503. Teacher Qualifications

A. All teachers must possess one of the following credentials:

1. A valid and current Louisiana teaching certificate in Nursery School Education, Early Childhood Education, Kindergarten Education, Early Intervention, Non-Categorical Preschool Handicapped, or Prekindergarten-3.

2. A valid and current Louisiana teaching certificate in Elementary Education and an Out-of-Field Authorization to Teach (OFAT) in Kindergarten, Nursery School, Early Intervention, Non-Categorical Preschool Handicapped, or Prekindergarten-3 (refer to Bulletin 746).

3. An uncertified teacher with a baccalaureate degree and Temporary Employment Permit (TEP), a Temporary Authority to Teach (TAT), or an Out-of-State Certificate (refer to Bulletin 746).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999),

amended LR 27:1685 (October 2001), LR 28:275 (February 2002), LR 30:1654 (August 2004).

§505. Professional Development

A. All staff members working directly with children enrolled in the Starting Points Prekindergarten must be provided with 18 clock hours of professional development for continuing education. An orientation of the Starting Points Prekindergarten Program Regulations must be provided as a component of this professional development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 30:1654 (August 2004).

§507. Parent Involvement

A. Each school system/nonpublic school is required to develop a plan that encourages parent/family participation in the education of their child. The plan must include a program orientation meeting for parents no later than 20 working days after the beginning of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 30:1654 (August 2004).

§509. Class Size Limitation

A. A student to teacher ratio of no more than twenty to one, and a student to adult staff member ratio of no more than ten to one shall be maintained. The class may not exceed 20 students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1654 (August 2004).

§511. Length of School Day and School Year

A. The length of the school day and the school year shall follow the provision established in R.S. 17:154.1. The school day that systems operate shall be a full day with a minimum of 360 minutes of instructional time per day exclusive of lunch, recess, and planning. Instructional days will be based upon the school calendar of each local school system/nonpublic school with a minimum of 177 days of instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1654 (August 2004).

§513. Daily Schedule

A. The schedule should include the following time allotments and meet the requirements set forth in Bulletin 741 and in the *Early Childhood Environmental Rating Scale* **Revised**.

- | | |
|--|-----|
| 1. Student-initiated activities | 35% |
| a. Learning centers | |
| b. outdoor free play | |
| 2. Teacher-directed activities | 35% |
| a. whole group activities (no longer than 15-20 minutes at a time) | |
| b. small group activities | |
| c. outdoor planned activities | |
| 3. Snack, restroom | 10% |
| 4. Nap | 20% |

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 30:1654 (August 2004).

§515. Curriculum

A. The curriculum for the Starting Points Prekindergarten Program shall be a research-based, developmentally appropriate curriculum that supports interrelated development. The curriculum should be aligned with the Louisiana Standards for Programs Serving Four-Year-Old Children and should address the Grade-Level Expectations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 27:1685 (October 2001), LR 28:275 (February 2002), LR 30:1655 (August 2004).

§517. Student Assessment

A. The Developing Skills Checklist will be administered in a pretest and posttest manner. Student assessment should be used to plan and modify the instructional program. To help determine the needs of the individual students when planning for instruction, classroom teachers are required to maintain a portfolio on each student. The portfolio will include work samples, photographs, anecdotal records, skills checklists, etc. that are indicative of the children's development based on the *Louisiana Standards for Programs Serving Four-Year-Old Children* and the Grade-Level Expectations. Parent conferences, including information on the child provided by the parent and conference notes as well as any referrals should be included in the portfolio. Portfolios must be kept up-to-date in the classroom for review during on-site visits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1655 (August 2004).

§519. Equipment, Materials, and Supplies

A. Each item of equipment acquired through Starting Points funds must be used throughout the period of active funding for purposes clearly within the scope of the program. If a program should change locations, all materials and equipment (including playground equipment) must follow the program.

B. In the event that funding is no longer available or the school system /school no longer wishes to participate, the system/school must submit to the State Board of Elementary and Secondary Education a request to retain the equipment purchased with Starting Points funds. Approval may be granted based on the assurance that the equipment will be used in programs with similar purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1655 (August 2004).

§521. Reporting

A. Each local school system/nonpublic school will be required to report data to the Louisiana Department of Education documenting the effectiveness of the program and the progress toward attaining program goals. The school system/nonpublic school must also submit a final budget detailing exactly how the allocated funds were spent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1655 (August 2004).

§523. Monitoring

A. Program Coordinators from the Elementary Standards Section will monitor the records of each program site annually to ensure compliance with federal and program requirements

B. The *Early Childhood Environment Rating Scale-Revised (ECERS-R)* will be used to measure the quality of the program. Each program with a new teacher and those programs receiving a score below 5.0 on the ECERS-R will be monitored on a yearly basis until an average score of 5.0 is attained on the scale. All continuing sites serving ten or more Starting Points children will be evaluated on a three-year cycle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended, LR 27:1685 (October 2001), LR 28:276 (February 2002), LR 30:1655 (August 2004).

§525. Religious Activities

A. According to the federal regulations for Temporary Assistance to Needy Families Block Grant, funds provided "under grant or contract may not include sectarian worship or instruction."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:276 (February 2002), LR 30:1655 (August 2004).

§527. Adherence to Regulations

A. Local school systems/nonpublic schools must adhere to all state and federal regulations and guidelines. Failure to do so will result in withdrawal of program funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:276 (February 2002), LR 30:1655 (August 2004).

Weegie Peabody
Executive Director

0408#008

RULE

Board of Elementary and Secondary Education

Bulletin 1943 **C** Policies and Procedures for Louisiana Teacher Assistance and Assessment (LAC 28:XXXVII.511, 701, 901, 1901, 1903, 2101-2105, 2303, 2305, 2501, and 2901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 1943 **C** Policies and Procedures for Louisiana Teacher Assistance and Assessment* (LAC 28:XXXVII). These changes to current Bulletin 1943 policy amend language and reflect procedural and programmatic changes needed to implement recommendations of the Blue Ribbon Commission that have

been previously approved by the board. This amended language streamlines current policy and aligns Bulletin 1943 policy with Blue Ribbon Commission Year One recommendations related to improving teacher quality in Louisiana.

**Title 28
EDUCATION**

**Part XXXVII. Bulletin 1943 Policies and Procedures
for Louisiana Teacher Assistance and Assessment**

Chapter 5. Assessment

§511. Timelines for Activities

Activity	Fall Semester Entry	Spring Semester Entry
Assignment of Mentor	Upon employment or entry to the school	
New Teacher Orientation to Assistance and Assessment Program (LEA)	First 2-3 weeks of employment	
Mentor/Teacher Activities	August-June	January-December
Informal and "Full" Observations of New Teacher by Principal or Designee and Mentor	February-April	September-November
Professional Growth Plan and Conference (Mentor, Principal, and New Teacher)	After "full" observation	
Assignment of Assessor Team	August-Year Two	January-Year Two
First Assessor Visit	September-October	January-February
Second Assessor Visit	October-November	February-March
Team Consensus Meeting	November-Early December	March-Early April
Teacher Summary Conference	By Mid-December	By Mid-April
Assessment Results and Recommendations Forwarded to LDE	By Mid-January	By Mid-May

Note: This is a general schedule for a typical school year. The LDE will prepare a recommended assessment schedule for each school year, outlining exact dates for completion of Assistance and Assessment Program activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:279 (February 2002), amended LR 30:1656 (August 2004).

Chapter 7. Glossary

§701. Assessment Terminology

A. The Louisiana Teacher Assistance and Assessment Program makes use of specific terminology related to the practices and procedures of the assessment process. In order for consistency to be maintained on a statewide basis, the following list of terms is provided so that all parties involved with the process have a clear and common understanding of assessment terminology most frequently used.

Appeal The process by which a teacher can request a review of assessment results and/or procedures.

* * *

External Assessor An active faculty member of a college or university, a central office administrator, retired educator, experienced teacher, or other educators as deemed appropriate. The external assessor must be qualified to serve as an assessor by virtue of having completed the assessor training program and having met all requirements thereof.

* * *

Informal Conference A discussion between the assessor or mentor and the new teacher which occurs prior to the classroom observation; the purposes are to share information about the lesson/classroom to be observed and to conduct a planning and student assessment interview; the interview is structured so that all new teachers are asked the same basic questions in the same order.

* * *

Postobservation Conference A discussion between the new teacher and the assessor or mentor for the purpose of reviewing the observation, discussing congruency with the informal conference, and sharing commendations, insights, and ratings.

Professional Growth Plan A written plan for improvement, based on the new teacher's self-assessment of areas for refinement and the mentor's and/or assessors' identification of areas for growth during the assistance and assessment cycles.

* * *

Team Summary Conference A summary session in which ratings and information from the assessment instruments are provided to the new teacher by the assessors.

Team Summary Report The report used to record final attribute and component scores and documentation summarizing the results of the assessment. The report is completed by all assessors at the end of the assessment cycle. The report is also used to record the status of the teacher with regard to accomplishment of the assessment standards for certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:279 (February 2002), amended LR 29:553 (April 2003), LR 30:

Chapter 9. Responsibilities

§901. Duties and Responsibilities of Each Party

A. - A.4.a.ii. ...

iii. conduct advisory informal conferences and observations with feedback using *Louisiana Components of Effective Teaching*;

a.iv. - c.ii. ...

iii. confer with the new teacher and principal to formulate a formal Professional Growth Plan (PGP) for the new teacher and to revise it as needed;

4.c.iv. - 5.c. ...

d. conduct at least one informal conference and one structured observation during the teacher's second semester of assistance and give feedback on his/her performance;

e. work with the new teacher and mentor or mentor support team members to create and revise, as needed, a formal Professional Growth Plan (PGP);

5.f. - 6.b. ...

c. develop a comprehensive professional growth plan for and with each teacher assessed at the conclusion of the assessment semester.

7. - 7.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:280 (February 2002), amended LR 29:553 (April 2003), LR 30:1656 (August 2004).

Chapter 19. Assessment Standards for Certification

§1901. Standards for Certification

A. The assessment standards for certification recommended by a Standards Setting Panel convened by the State Superintendent of Education in June, 1994, adopted by the SBESE in the same month, and revised in Spring 2004 are:

1. achievement of a "competent", "2" rating on eight components of the *Louisiana Components of Effective Teaching*.

Note: For new teachers entering the first semester of LA TAAP in Spring 2004, the assessment standards will be the achievement of a competent (2) rating on the eight Components from Planning, Management, and Instruction. The department will review data collected from the Component of Professional Development and the two Components of School Improvement. Data pertaining to Professional Development and School Improvement will not be used to formulate any certification decision. Review of the assessment standards will occur as needed.

B. A teacher who does not meet this standard during semester three of employment in Louisiana public schools may be re-employed by the local school system for a fourth semester, during which time the teacher shall again participate in the Louisiana Teacher Assistance and Assessment Program. This second assessment period shall be treated as a second opportunity to meet the assessment standards for certification. No data or ratings from the first assessment period shall be used in determination of the teacher's ratings during this second year. Only the information from the Professional Growth Plan will be used during the second assessment period to assist the teacher.

C. Failure of the teacher to meet the assessment standards for certification during the fourth semester of assistance and assessment shall result in a prohibition to teach in Louisiana Public Schools for a period of at least two years. During this period, the individual should complete the Professional Growth Plan formulated with the assessment team at the conclusion of the second assessment period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:283 (February 2002), amended LR 30:1657 (August 2004).

§1903. Reapplication for Entry into the Program

A. To reapply for entry into the assistance and assessment program after absence from teaching due to failure to meet the assessment standards for certification, a teacher must document to the employing school system and the Louisiana Department of Education that the last Professional Growth Plan outlined by/with the previous support/assessment team has been completed to the extent possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:283 (February 2002), amended LR 30:1657 (August 2004).

Chapter 21. Grievance Procedures for the Louisiana Teacher Assistance and Assessment Program

§2101. Due Process

A. ...

1. The assessed teacher shall receive copies of all teacher-signed documents: the Postobservation Conference Record, the Team Summary Report, and the Professional Growth Plan.

2. The assessed teacher may request, in writing, copies of any additional records used during the assessment process at the conclusion of the Team Summary Conference, within 20 working days.

3. ...

4. The assessed teacher may, in either semester, file a written response (that may or may not lead to a formal grievance process) to the assessment as represented in the Team Summary Report and supporting assessment records. This response may be filed at the end of the Postobservation Conference or the Team Summary Conference, but no later than 10 working days after the receipt of the Professional Growth Plan during the Team Conference. This response shall be permanently attached to the Teacher Summary Report.

5. The assessed new teacher has the right to receive proof, by documentation, of any item contained in the assessment documents that the teacher believes to be inaccurate, invalid, or misrepresented. If documentation does not exist, the item in question must be amended or removed from the Team Summary Report.

6. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:284 (February 2002), amended LR 30:1657 (August 2004).

§2103. Grievance

A. - A.1. ...

a. Any assessed teacher who believes that he/she has a grievance may file the grievance at any time during the assessment process but not later than 20 working days after the Team Summary Conference. The grievance must be in writing and shall state:

1.a.i. - 2.a.ii. ...

(a) a copy of the original assessment team's report on the assessed teacher's classroom performance (the Team Summary Report);

a.ii.(b). - b.i. ...

(a) dismiss the appeal for failing to have the official Request for Formal Hearing and/or the attachments required above²;

2.b.i.(b). - 3.e. ...

² If a Professional Growth Plan is in progress for the teacher, the Regional Hearing Officer may suspend the plan, based on relevant evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:284 (February 2002), amended LR 30:1657 (August 2004).

§2105. Glossary of Terminology

A. In order that the consistency in terminology be maintained on a statewide basis, a list of terms and definitions is being established to provide the reader with a clear and common understanding of the due process components and grievance procedures.

* * *

Assessor Error—Intentional or unintentional deviation(s) by an assessor from the prescribed procedures set by the *Policies and Procedures for Louisiana Teacher Assistance and Assessment*, Bulletin 1943, June 1994, Revised April 1998, 2001, 2004.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:286 (February 2002), amended LR 30:1658 (August 2004).

Chapter 23. Assistance Program Procedures

§2303. Mentor/New Teacher Activities

A - B.2. ...

3. assistance with identification and collection of artifacts to be included in the new teacher portfolio;

4. mentor or mentor support team observations of the new teacher with appropriate feedback, including one or more observations that parallel those which will be conducted by assessors during the third (assessment) semester;

5. new teacher observations of the mentor or mentor support team and other teachers as appropriate;

6. one or more Informal Conferences conducted by the mentor or mentor support team that parallel those which will be conducted by assessors during the third (assessment) semester;

7. at least one visit to the new teacher by the building principal like that which will be conducted by assessors during the third assessment semester; i.e., Informal Conferences, observation feedback;

8. collaborative formulation by the mentor or mentor support team, principal, and new teacher of a formal Professional Growth Plan for the new teacher. Said plan should be formulated after both mentor and principal have conducted Informal Conferences, and classroom observations;

9. provision of assistance to the new teacher by the mentor or mentor support team and others in understanding the characteristics of students, school, and community that can/will influence teaching and learning;

10. provision of assistance to the new teacher by the mentor or mentor support team and others in interpretation and use of student assessment data in improving instruction;

11. provision of assistance to the new teacher by the mentor or mentor support team and others in forming meaningful collaborative relationships with colleagues, parents, and the community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:287 (February 2002), amended LR 30:1658 (August 2004).

§2305. Second Semester Mentor/New Teacher Activities

A. ...

1. additional Informal Conferences and observations;

2. - 4. ...

5. continuing mentor or mentor support team assistance in gathering artifacts, analyzing data, and using information that will increase student learning and effective instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:287 (February 2002), amended LR 30:1658 (August 2004).

Chapter 25. Assessment Procedures

§2501. Semester of Assessment

A. ...

1. Each assessor shall visit the new teacher and conduct an Informal Conference, observation, and Postobservation Conference, in that order.

2. The Informal Conference may be conducted one day prior to the scheduled observation, if that procedure is agreeable to both the assessor and the new teacher.

3. ...

4. An assessor should complete all responsibilities (Informal Conference, observation, Postobservation Conference) with one teacher before beginning assessment of another.

5. During each Postobservation Conference, the assessor and the new teacher will formulate improvement plans in accordance with the assessment data available. Professional growth is a continuous process which should not wait until all visits for assessment are completed.

6. ...

7. At the end of the semester, when both members of the assessment team have completed their visits and rated the new portfolio, they shall compare and combine their findings, share their consensus findings with the teacher being assessed, and prepare a comprehensive Professional Growth Plan. Both members of the assessment team shall be present for this conference with the new teacher.

8. The assessment team will combine attribute ratings into component ratings in order to determine if the teacher being assessed has met the assessment standards for certification. In the event the two members of the assessment team are in disagreement over the certification recommendation and the disagreement cannot be resolved, the principal/designee shall notify the LEA contact person of the impasse within two working days after the assessor team consensus meeting. Within five working days of this notification, the LEA contact person shall appoint a third assessor external to the school, who will conduct a third visit and participate in the certification decision. The assessment ratings, the resultant recommendations pertaining to the assessment standards for certification, and identified instructional strengths and needs of the teacher, will be

shared at the summary conference and used to develop with the new teacher a new or modified Professional Growth Plan.

9. At the conclusion of the summary conference, the new teacher shall be provided copies of the Team Summary Report and the Professional Growth Plan. If the teacher desires copies of observation and Informal Conference records not previously received, these records can also be requested in writing at this time.

10. - 11. ...

12. The new teacher may file a response to the assessment as represented in the Team Summary Report and supporting assessment records. This response shall be permanently attached to the Team Summary Report.

13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:287 (February 2002), amended LR 30:1658 (August 2004).

Chapter 29. Monitoring Guidelines

§2901. Monitoring Procedures

A. - A.1. ...

2. visit the LEA (length of time spent in the LEA will be determined by size of the LEA) to determine compliance or failure to comply. During each visit, the monitoring team will:

a. meet with LEA designee to explain the nature and duration of the visit (attendance by LEA superintendent is optional);

b. meet with the LEA assistance and assessment contact person and/or other appropriate personnel to discuss the schedule;

c. conduct a summary session with the LEA superintendent, contact person, and/or other appropriate personnel;

3. inform the LEA in writing of compliance, the areas of noncompliance, and of recommendations;

4. notify the SBESE of system(s) that are in compliance and those that failed to comply;

5. make recommendations to the SBESE regarding action to be taken in situations of noncompliance;

6. failure of local school systems to implement the procedures outlined in the bulletin according to R.S. 17:3883, can result in the department recommending to the board whatever sanctions against such school system the department deems appropriate which may include withholding funds distributed pursuant to the minimum foundation program formula until the corrections are made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:289 (February 2002), amended LR 30:1659 (August 2004).

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RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Fugitive Emission Control
(LAC 33:III.2121 and 2122)(AQ237)

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.2121 and 2122 (Log #AQ237).

This Rule updates the state fugitive emission control regulations to clarify requirements for instrumentation systems, designate "no detectable emissions" (NDE) valves, and allow for alternate monitoring for flanges. The changes make the state regulations more consistent with federal fugitive control regulations, particularly the Maximum Achievable Control Technology (MACT) standards of 40 CFR 63. This Rule adopts the definition of instrumentation system included in the Synthetic Organic Chemical Manufacturing Industry Hazardous Organic NESHAP (SOCMI HON) MACT (40 CFR 63, Subpart H). The changes are not required by a federal regulation and do not alter the position of these fugitive emission control regulations in the Stringency Table of the Louisiana Fugitive Emission Program Consolidation Guidelines. The regulated community asked for an update to the state fugitive air emission control regulations, particularly to make fugitive component definitions and applicability more consistent with the federal regulations for Leak Detection and Repair (LDAR) programs, such as the MACT standards of 40 CFR 63. This Rule is also a revision to the Louisiana State Implementation Plan (SIP) for air quality. The basis and rationale for this Rule are to improve the permitting of fugitive air emissions regulated under LAC 33:III.2121 and 2122.

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 21. Control of Emission of Organic Compounds

Subchapter A. General

§2121. Fugitive Emission Control

A. Applicability. This regulation is applicable to equipment in petroleum refineries, natural gas processing plants, the synthetic organic chemical manufacturing industry (SOCMI), the methyl tertiary butyl ether (MTBE) manufacturing industry, and the polymer manufacturing industry that contains any of the following components that are intended to operate in VOC service 300 hours or more during the calendar year:

- a. pumps;
- b. compressors;
- c. pressure relief devices;
- d. open-ended valves or lines;
- e. process drains;
- f. valves;
- g. agitators;
- h. instrumentation systems; and
- i. connectors.

B. Fugitive Emission Control Requirements

1. No component specified for monitoring under Subsection C of this Section shall be allowed to leak organic compounds exceeding 10,000 parts per million by volume (ppmv), as defined in LAC 33:III.111, when tested by Method 21 "Determination of Volatile Organic Compound Leaks" in 40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003. Any regulated component observed leaking by sight, sound, or smell must be repaired according to Paragraph B.3 of this Section, regardless of the leak's concentration. This includes instrumentation system leaks and flange and connection leaks found per Subparagraph C.3.b of this Section, pump and compressor seal leaks found during the weekly visual inspections, and other regulated components found leaking.

B.2. - C.3.a. ...

b. Monitor immediately with a leak detection device any component that appears to be leaking on the basis of sight, smell, or sound. This includes flanges and connectors, instrumentation systems, and pump and compressor seals observed during the weekly visual inspections, and any other regulated components that appear to be leaking. In lieu of monitoring, the operator may elect to implement actions as specified in Paragraph B.3 of this Section.

c. Any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clauses C.1.b.ii and iv and C.2.b.ii of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured in accordance with this Section; and

iii. is tested for compliance with Clause C.3.c.ii of this Section initially upon designation and annually thereafter.

C.4. - F.4. ...

G. Definitions. Terms used in this Section are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

Instrumentation System A group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inch and smaller and connectors nominally 0.75 inch and smaller in diameter are considered instrumentation systems for the purposes of these regulations. Valves greater than nominally 0.5 inch and

connectors greater than nominally 0.75 inch associated with instrumentation systems are not considered part of instrumentation systems and must be monitored individually.

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 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004).

§2122. Fugitive Emission Control for Ozone

Nonattainment Areas and Specified Parishes

A. Applicability

1. This regulation is applicable to each process unit at petroleum refineries, natural gas processing plants, the synthetic organic chemical manufacturing industry (SOCMI), the methyl tertiary butyl ether (MTBE) manufacturing industry, and the polymer manufacturing industry that contains any of the following components that are intended to operate in VOC service 300 hours or more during the calendar year:

- a. pumps;
- b. compressors;
- c. pressure relief devices;
- d. open-ended valves or lines;
- e. process drains;
- f. valves;
- g. agitators;
- h. instrumentation systems; and
- i. connectors.

2. - 6.d. ...

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

Instrumentation System A group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inch and smaller and connectors nominally 0.75 inch and smaller in diameter are considered instrumentation systems for the purposes of these regulations. Valves greater than nominally 0.5 inch and connectors greater than nominally 0.75 inch associated with instrumentation systems are not considered part of instrumentation systems and must be monitored individually.

C. Fugitive Emission Control Requirements

1. Leak Limitations

a. No component in petroleum refineries, SOCMI, MTBE, and polymer manufacturing industry shall be allowed to leak volatile organic compounds exceeding an instrument reading of 1,000 ppmv or greater for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppmv for pumps and compressors;

or 10,000 ppmv for agitators, as outlined in Subsection D of this Section, when tested by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003).

b. No component in natural gas processing plants shall be allowed to leak volatile organic compounds exceeding an instrument reading of 2,500 ppmv for valves, connectors, instrumentation systems, pressure relief devices, process drains, and open-ended valves and lines; 5,000 ppmv for pumps and compressors; or 10,000 ppmv for agitators, as outlined in Subsection D of this Section, when tested by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003).

C.1.c. - C.3. ...

4. Percent of leaking components at a process unit shall be determined for a test period as follows:

$$\% C_{lvp} = [C_{lv}]/[C_{tv}] * 100\% \quad \text{Eq.1}$$

where:

$\% C_{lvp}$ = percent of leaking valves, flanged connectors, or pumps.

C_{lv} = number of valves, flanged connectors, or pumps found leaking during the monitoring period.

C_{tv} = total number of valves, flanged connectors, or pumps monitored during the period.

5. Total percent of leaking and unrepairable components shall be determined as follows:

$$\% C_{tlvp} = [C_{tlv}]/[C_{ttv}] * 100\% \quad \text{Eq.2}$$

where:

$\% C_{tlvp}$ = total percent of leaking and unrepairable valves, flanged connectors, or pumps.

C_{tlv} = number of valves, flanged connectors, or pumps found leaking or defined as unrepairable.

C_{ttv} = total number of valves, flanged connectors, or pumps tested during the period.

C_{tvp} = total number of valves, flanged connectors, or pumps which were defined as unrepairable.

D. - D.1.c. ...

d. Monitor all flanged connectors in accordance with either Clause D.1.d.i or ii of this Section.

i. Inspect all flanged connectors weekly by visual, audible, and olfactory means.

ii. Monitor flanged connectors four times per year (quarterly) using a leak detection device as follows.

(a). Either two hundred or 10 percent, whichever is less, of the flanged connectors shall be monitored each quarterly period in accordance with a written sampling plan.

(b). The sampling plan shall ensure that at least 66 percent of the flanged connectors monitored each quarterly period shall not have been previously monitored, until all flanged connectors within the process have been monitored.

e. Inspect weekly, by visual, audible, and olfactory means, all instrumentation systems.

f. Records of the visual, audible, and olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

2. - 3.a. ...

b. Monitor immediately with a leak detection device any component that appears to be leaking on the basis of sight, smell, or sound. This includes flanges and connectors, instrumentation systems, and pump and compressor seals observed during the weekly visual inspections, and any other regulated components that appear to be leaking. In lieu of monitoring, the operator may elect to implement actions as specified in Paragraph C.3 of this Section.

c. - d. ...

e. Any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clauses D.1.b.iii and v and D.2.b.ii of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured in accordance with this Section; and

iii. is tested for compliance with Clause D.3.e.ii of this Section initially upon designation and annually thereafter.

4. - 5. ...

E. Alternate Control Techniques. The monitoring schedule in Subsection D of this Section may be modified as follows.

1. - 1.f. ...

g. Existing equipment that has been monitored under LAC 33:III.2121 for fugitives at the leak definition of 10,000 ppmv can initially elect to use this alternate standard if the unit has data documented with the department by either January 1, 1996, or for the 12 months prior to becoming subject to this Section, that indicates the percent of leaking valves (Eq. 1) is less than or equal to a 2.0 percent leak rate at 10,000 ppmv for the required time period.

2. ...

3. Alternate Standards for Flanged Connectors Subject to Clause D.1.d of this Section Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternative work practices specified in Clause E.3.b or Paragraph E.4 of this Section. However, the administrative authority* must be notified in writing before implementing one of the alternative work practices.

b. After four consecutive quarterly leak detection periods with the percent of leaking flanged connectors (Eq. 1) equal to or less than 1.0, an owner or operator may begin to skip three of the quarterly leak detection periods for the flanged connectors in gas/vapor and light liquid service.

c. If the percent of leaking flanged connectors (Eq. 1) is greater than 1.0, or the total percent of leaking and unrepairable flanged connectors (Eq. 2) is greater than 2.0, the owner or operator shall comply with the requirements as described in Subsection D of this Section but subsequently can again elect to use this Subsection when the requirements are met.

d. The percent of leaking flanged connectors (Eq. 1) shall be determined by dividing the sum of components found leaking during the current monitoring period by the

total number of flanged connectors that were tested and multiplying the results by 100 percent.

e. An owner or operator must keep a record of the percent of flanged connectors found leaking during each leak detection period and the total percentage of leaking and unrepairable flanged connectors.

4. Alternative Standards for Flanged Connectors **C**Increased Monitoring Frequency. If the percent of leaking flanged connectors (Eq. 1) in a test period is greater than 1.0, or the total percent of leaking and unrepairable flanged connectors (Eq. 2) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority*.

5. Alternate Standard for Batch Processes. As an alternate to complying with the requirements in Subsection D of this Section an owner or operator of a batch process in VOC service may elect to comply with one of the following alternative work practices. The batch product-process equipment shall be tested with a gas using the procedures specified in Subparagraph E.5.a of this Section or with a liquid as specified in Subparagraph E.5.b of this Section.

a. The following procedures shall be used to pressure test batch product-process equipment using a gas (e.g., air or nitrogen) to demonstrate compliance.

i. The batch product-process equipment train shall be pressurized with a gas to the operating pressure of the equipment. The equipment shall not be tested at a pressure greater than the pressure setting of the lowest relief valve setting.

ii. Once the test pressure is obtained, the gas source shall be shut off.

iii. The test shall continue for not less than 15 minutes, unless it can be determined in a shorter period of time that the allowable rate of pressure drop was exceeded. The pressure in the batch product-process equipment shall be measured after the gas source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using the following equation:

where:

$$\frac{P}{t} = \frac{(P_f - P_i)}{(t_f - t_i)} \quad \text{Eq.3}$$

P/t = change in pressure, psia/hr.
P_f = final pressure, psia.
P_i = initial pressure, psia.
t_f - t_i = elapsed time, hours.

iv. The pressure shall be measured using a pressure measurement device (gauge, manometer, or equivalent) that has a precision of ±2.5 millimeters (±0.05 psig) of mercury in the range of test pressure and is capable of measuring pressures up to the relief set pressure of the pressure relief device.

v. A leak is detected if the rate of change in pressure is greater than 6.9 kPa (1 psig) in one hour or if there is visible, audible, or olfactory evidence of fluid loss.

b. The following procedures shall be used to pressure test batch product-process equipment using a liquid to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol). Once the equipment is filled, the liquid source shall be shut off.

ii. The test shall be conducted for a period of at least 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

iii. Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

iv. If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before VOCs are fed to the equipment.

v. If the batch product-process equipment fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but not later than 30 calendar days after the equipment is placed in VOC service.

F. - G.6. ...

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 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0408#028

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Health/Safety and Generally Licensed Updates
(LAC 33:XV.322, 328, 442, 544, 2004, and 2014)(RP035*)

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.322, 328, 442, 544, 2004, and 2014 (Log #RP035*).

This Rule is identical to federal regulations found in 10 CFR 20.1703(f); 31.2; 31.5(c)(12)-(15); 32.51(a)(4)-(5); 32.51.a(a)-(b); 32.52; 39.35(b); 39.41; and 39.53(b), 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 defines minimum respiratory protection for limited intake respirators, written requirements prior to performing well logging, wipe test methods, minimum design and performance criteria for sources, and provides

numerous updates for certain generally licensed industrial devices containing byproduct material. These changes will allow the department to remain consistent with NRC regulations. Recent updates of the federal regulations and corrections to existing department regulations necessitate this rulemaking action. 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 3. Licensing of Radioactive Material

Subchapter C. General Licenses

§322. General Licenses: Radioactive Material Other Than Source Material

A. Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment that have been manufactured, tested, and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. Attention is directed particularly to the provisions of 10 CFR 20 concerning labeling of containers. This general license is subject to the provisions of LAC 33:XV.104-109, 304.A.2, 331, 340, 350, and Chapters 4, 10, and 15 of these regulations.

1. Static Elimination Devices. This includes devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device.

2. Ion-generating Tubes. This includes devices designed for ionization of air that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device or a total of not more than 50 millicuries of hydrogen-3 (tritium) per device.

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

g. except as provided in LAC 33:XV.322.D.3.h, transfer or dispose of the device containing radioactive material only by export as provided in 10 CFR Part 110 or by transfer to a specific licensee of the department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Office of Environmental Services, Permits Division, a report containing identification of the device by manufacturer's name and model number, and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

h. - i. ...

j. Reserved.

k. appoint an individual responsible for having knowledge of the appropriate regulations and requirements

and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with the appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;

l. register, in accordance with the provisions in this Subparagraph, devices containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described in this Subparagraph, represents a separate general licensee and requires a separate registration and fee:

i. annual registration with the Office of Environmental Services, Permits Division, shall include payment of the fee required by LAC 33:XV.2505. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the department. The registration information must be submitted to the department within 30 days of the date of the request for registration or as otherwise indicated in the request;

ii. in registering devices, the general licensee shall furnish the following information, as indicated on the label, and any other information specifically requested by the department:

(a). the name and mailing address of the general licensee;

(b). information about each device:

(i). the manufacturer (or initial transferor);

(ii). the model number;

(iii). the serial number; and

(iv). the radioisotope and activity;

(c). the name, title, and telephone number of the responsible person designated as a representative of the general licensee and identified by the transferee to have knowledge of and authority to take actions to ensure day-to-day compliance with the appropriate regulations and requirements without relieving the general licensee of any of his or her responsibility in this regard;

(d). the address or location at which the devices are used and/or stored. For portable devices, list the address of the primary place of storage;

(e). certification by the responsible representative of the general licensee that the information concerning the devices has been verified through a physical inventory and checking of label information; and

(f). certification by the responsible representative of the general licensee that he or she is aware of the requirements of the general license;

iii. persons generally licensed by an agreement state with respect to devices meeting the criteria in this Subparagraph are not subject to registration requirements if the devices are used in areas subject to department jurisdiction for a period less than 180 days in any calendar year. The department will not request registration information from such licensees;

m. report changes to the mailing address for the location of use (including change in the name of the general licensee) to the Office of Environmental Compliance,

Permits Division, within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage;

n. not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by this Subsection need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

D.4. - J.4. ...

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 26:2567 (November 2000), LR 27:1226 (August 2001), LR 30:1663 (August 2004).

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

A. - D.1.c.iii.(b). ...

d. each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words "Caution—Radioactive Material," the radiation symbol described in LAC 33:XV.450, and the name of the manufacturer or initial distributor;

e. each device meeting the criteria of LAC 33:XV.322.D.3.1 bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing, if separable, or to the device if the source housing is not separable, that includes the words "Caution—Radioactive Material" and, if practicable, the radiation symbol described in LAC 33:XV.450.

2. - 2.j. ...

3. In the event the applicant desires that the general licensee under LAC 33:XV.322.D, or under equivalent regulations of the U.S. Nuclear Regulatory Commission or of any other agreement state or licensing state, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, he or she shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a

calendar quarter dose in excess of 10 percent of the limits specified in LAC 33:XV.410.A.

a. If a device containing byproduct material is to be transferred for use under the general license referred to in this Subsection, each person who is licensed under this Subsection shall provide the information specified in this Subparagraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

i. a copy of the general license;

ii. copies of the appropriate records and of LAC 33:XV.485 and 486;

iii. a list of the services that can only be performed by a specific licensee;

iv. information on acceptable disposal options including estimated costs of disposal; and

v. an indication that the U.S. Nuclear Regulatory Commission's policy is to issue high civil penalties for improper disposal.

b. If byproduct material is to be transferred in a device for use under an equivalent general license of an agreement state, each person who is licensed under this Subsection shall provide the information specified in this Subparagraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

i. copies of this Subsection and of LAC 33:XV.485 and 486, and the appropriate records. If a copy of the U.S. Nuclear Regulatory Commission's regulations is provided to a prospective general licensee in lieu of the department's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the department; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted;

ii. a list of the services that can only be performed by a specific licensee;

iii. information on acceptable disposal options including estimated costs of disposal; and

iv. the name or title, address, and telephone number of the contact at the agreement state regulatory agency from whom additional information may be obtained.

c. An alternative approach to informing customers may be proposed by the licensee for approval by the department.

d. Each device that is transferred after February 19, 2002, must meet the labeling requirements in Subparagraphs D.1.c-e of this Section.

e. If a notification of bankruptcy has been made under LAC 33:XV.331.E-F or the license is to be terminated, each person licensed under this Subsection shall provide, upon request, to the department and to any appropriate agreement state, records of final disposition, which must be maintained for a period of three years following the date of the recorded event.

4. Each person licensed under this Subsection to distribute devices to persons generally licensed shall do the following.

a. Furnish a copy of the general license contained in LAC 33:XV.322.D to each person to whom he or she directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in LAC 33:XV.322.D. In the case where the transferee receives radioactive material in a device pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's or agreement state's regulations equivalent to LAC 33:XV.322, furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's, agreement state's, or licensing state's regulations equivalent to LAC 33:XV.322.D, or alternatively, furnish a copy of the general license contained in LAC 33:XV.322.D to each person to whom he or she directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the agreement state, or the licensing state. If a copy of the general license in LAC 33:XV.322.D is furnished to such person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state under requirements substantially the same as those in LAC 33:XV.322.D.

b. Report all transfers of devices to persons for use under the general license in LAC 33:XV.322.D.1 and all receipts of devices from persons licensed under LAC 33:XV.322.D.1 to the Office of Environmental Compliance, Surveillance Division. The report must be submitted on a quarterly basis on a RAD-41 Form or in a clear and legible report containing all of the data required by the form.

i. The required information for transfers to general licensees includes:

(a). the identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(b). the name, title, and telephone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(c). the date of transfer;

(d). the type, model number, and serial number of the device transferred; and

(e). the quantity and type of byproduct material contained in the device.

ii. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

iii. For devices received from a LAC 33:XV.322.D.1 general licensee, the report must include:

(a). the identity of the general licensee by name and address;

(b). the type, model number, and serial number of the device received;

(c). the date of receipt; and

(d). in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

iv. If the licensee makes changes to a device possessed by a LAC 33:XV.322.D.1 general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

v. The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

vi. The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

vii. If no transfers have been made to or from persons generally licensed under LAC 33:XV.322.D.1 during the reporting period, the report must so indicate.

c. Report all transfers of devices to persons for use under a general license in an agreement state's regulations that are equivalent to LAC 33:XV.322.D.1 and all receipts of devices from general licensees in the agreement state's jurisdiction to the responsible agreement state agency. The report must be submitted on a RAD-41 Form or in a clear and legible report containing all of the data required by the form.

i. The required information for transfers to general licensees includes:

(a). the identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(b). the name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(c). the date of transfer;

(d). the type, model number, and serial number of the device transferred; and

(e). the quantity and type of byproduct material contained in the device.

ii. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

iii. For devices received from a general licensee, the report must include:

(a). the identity of the general licensee by name and address;

(b). the type, model number, and serial number of the device received;

(c). the date of receipt; and

(d). in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

iv. If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

v. The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

vi. The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.

vii. If no transfers have been made to or from a particular agreement state during the reporting period, this information shall be reported to the responsible agreement state agency upon request of the agency.

d. Maintain all information concerning transfers and receipts of devices that supports the reports required by this Paragraph. This information and the reports must be maintained for a period of three years following the date of the recorded event.

e. Report to the Office of Environmental Services, Permits Division, all transfers of such devices to persons for use under the general license in LAC 33:XV.322.D. Such reports must be maintained for a period of three years following the date of the recorded event and shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under LAC 33:XV.322.D during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter.

f. For all transfers out of Louisiana, the distributor shall make reports prescribed in this Paragraph as follows.

i. Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 31.5.

ii. Report to the responsible state agency all transfers of devices manufactured and distributed in accordance with this Subsection for use under a general license in that state's regulations equivalent to LAC 33:XV.322.D.

iii. Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report

shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within 30 days after the end of each calendar quarter in which such device is transferred to the person generally licensed.

iv. If no transfers have been made to the U.S. Nuclear Regulatory Commission's licensees during the reporting period, this information shall be reported to the U.S. Nuclear Regulatory Commission.

v. If no transfers have been made to persons generally licensed within a particular state during the reporting period, this information shall be reported to the responsible state agency upon request of the agency.

g. Keep records showing the name, address, and the point of contact for each general licensee to whom he or she directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in LAC 33:XV.322.D, or equivalent regulations of the U.S. Nuclear Regulatory Commission or any other agreement state or licensing state. The records must show the date of each transfer, the isotope and the quantity of radioactive material in each device transferred, the identity of any intermediate person, and compliance with the reporting requirements of this Paragraph.

E. - M.4.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), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004).

Chapter 4. Standards for Protection Against Radiation

Subchapter E. Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

§442. Use of Individual Respiratory Protection Equipment

A. - A.3.g. ...

4. the licensee or registrant shall issue and comply with a written policy statement on respirator usage covering:

a. - c. ...

d. the availability of sufficient standby rescue persons to assist all respirator users and to provide effective emergency rescue if needed; and

A.4.e. - 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), LR 30:1666 (August 2004).

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

Subchapter A. Equipment Control

§544. Leak Testing, Repair, Tagging, Opening, Modification, Replacement, and Records of Receipt and Transfer of Sealed Sources

A. ...

B. Each sealed source 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), LR 30:1667 (August 2004).

Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies

§2004. Prohibition

A. - A.1. ...

2. in the event a decision is made to abandon the sealed source downhole, the requirements of LAC 33:XV.2051 and any other requirements of any state agency having applicable regulations shall be met.

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 30:1667 (August 2004).

§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 wipe of a sealed source must be performed using a leak test kit or method approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement 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 by a person approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state to perform the analysis. The analysis shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample.

C. - E.5. ...

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), LR 30:1667 (August 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0408#027

RULE

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

Notification Requirements for Unauthorized Discharges (LAC 33:I.3903, 3915, 3917, 3919, 3923, 3925, 3931, 6919, and 6923; III.1105, 1513, 2103, 2115, 2303, 2307, 2719, 5107 and 5151; V.1109, 1913, 2271, 2805, 2909, 4101, 4107, 4211, 4241, and 5309; VI.201; VII.315, 711, 713, and 715; IX.503 and 2701; XI.707, 713, and 715; and XV.341, 485, 486, 487, 492, 712, and 2051)(OS052)

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 Environmental Quality regulations, LAC 33:I.3903, 3915, 3917, 3919, 3923, 3925, 3931, 6919, and 6923; III.1105, 1513, 2103, 2115, 2303, 2307, 2719, 5107 and 5151; V.1109, 1913, 2271, 2805, 2909, 4101, 4107, 4211, 4241, and 5309; VI.201; VII.315, 711, 713, and 715.; IX.503 and 2701; XI.707, 713, and 715; and XV.341, 485, 486, 487, 492, 712, and 2051 (Log #OS052).

This Rule clarifies notification requirements for ongoing discharges vs. multiple constituent discharges, amends the procedure for notification in the event of a non-emergency discharge, inserts in the various Environmental Quality regulations the reference to LAC 33:I.Chapter 39 in order to direct all those needing to notify authorities of discharges to the necessary reporting procedures, amends the language "verbal" or "telephone" notification to "prompt" notification, and updates telephone numbers. The table of reportable quantities of unauthorized discharges is updated with corrections and additions, which will promulgate Emergency Rule OS052E3 that was effective on August 6, 2004. Due to duplicate entries in the existing table, the department inserted a new column of synonyms and made edits in order to simplify the presentation. The quantities of unauthorized discharges of toxic air pollutants as a result of bypassing emission control devices that warrant notification of authorities are identified. The basis and rationale for this Rule are to clarify that the procedures for responding to unauthorized discharges to the environment are for all media and to make corrections to reporting requirements.

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 I. Office of the Secretary
Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter A. General

§3903. Purpose

A. - A.3. ...

4. to provide the department with the discharge information that shall be used to ensure compliance with permit terms and conditions.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1668 (August 2004).

Subchapter B. Requirements for Emergency Notification

§3915. Notification Requirements for Unauthorized Discharges That Cause Emergency Conditions

A. - A.1. ...

2. One notification to the hotline for any unauthorized discharge will suffice for unauthorized discharges that continue for more than one day if the initial notification clearly states that the discharge is expected to continue for more than one day.

3. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.

A.4. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2204(A), 2194(C) 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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), LR 30:1668 (August 2004).

Subchapter C. Requirements for Prompt Notification

§3917. Notification Requirements for Unauthorized Discharges That Do Not Cause an Emergency Condition

A. In the event of an unauthorized discharge that exceeds a reportable quantity specified in Subchapter E of this Chapter but that does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended LR 30:1668 (August 2004).

§3919. Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact

A. In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger shall promptly notify the Office of Environmental Compliance, Surveillance Division SPOC in accordance with LAC 33:I.3923.

B. Dischargers are not relieved from any requisite written notification procedures in LAC 33:I.3925 or of any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2076(D), 2183(I), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1668 (August 2004).

Subchapter D. Notification Procedures

§3923. Prompt Notification Procedures

A. Prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Surveillance Division SPOC as follows:

1. by the Online Incident Reporting screens found at <http://www.deq.louisiana.gov/surveillance/irf/forms/>;

2. by e-mail utilizing the Incident Report Form and instructions found at <http://www.deq.louisiana.gov/surveillance/>;

3. by telephone at (225) 219-3640 during office hours, or at (225) 342-1234 after hours and on weekends and holidays; or

4. for radiation incidents, by telephone at (225) 765-0160.

B. Mobile or marine radio notifications should be directed to the nearest communication center or to a telephone center for forwarding of the notification by telephone.

C. Content of Prompt Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

1. the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;

2. the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;

3. the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;
4. the extent of any injuries and identification of any known personnel hazards that response agencies may face;
5. the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any or all discharged pollutants;
6. a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity; and
7. for unauthorized emissions of toxic air pollutants listed in LAC 33:III.Chapter 51, Table 51.2 or 51.3 or radioactive material, the following supplemental information:
 - a. the location of the source facility or stack;
 - b. the time at onset of the emission;
 - c. the prevailing local wind direction and estimated wind velocity at the time of onset; and
 - d. the duration of the emission if stopped at the time of notification.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1668 (August 2004).

§3925. Written Notification Procedures

A. Written reports for any unauthorized discharge that requires notification under LAC 33:I.3915.A, 3917, or 3919 shall be submitted by the discharger to the Office of Environmental Compliance, Surveillance Division SPOC in accordance with this Section within seven calendar days after the notification required by LAC 33:I.3915.A, 3917, or 3919, unless otherwise provided for in a valid permit or other department regulation.

1. ...
2. If delivered by other means (e.g., hand-delivered, faxed, etc.), the submittal date of the written notification will be the date of receipt by the department.

B. Written notification reports required by LAC 33:I.3915, 3917, and 3919 shall include, but not be limited to, the following information:

1. the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this Section;
2. the time and date of prompt notification, the state official contacted when reporting, the name of the person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

3. ...
4. details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
 - a. the current permitted limit for the pollutant(s) released;
 - b. the permitted release point/outfall ID; and
 - c. which limits were exceeded (SO₂ limit, mass emission limit, opacity limit, etc.) for air releases;
5. the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any or all released pollutants (total amount of each compound expressed in pounds, including calculations);
6. a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
7. - 11. ...
12. what other agencies were notified;
13. the names of all other responsible parties of which the reporting party is aware;
14. a determination by the discharger of whether or not the discharge was preventable, or if not, an explanation of why the discharge was not preventable;
15. the extent of injuries, if any; and
16. the estimated quantity, identification, and disposition of recovered materials, if any.

C. Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."

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

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 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1669 (August 2004).

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

- A. - A.1. ...
 2. 40 CFR 302.4, July 1, 2003, Table 302.4—List of Hazardous Substances and Reportable Quantities.
- 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	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Acetaldehyde	Acetic aldehyde	75070	U001	100 [†]
Allyl chloride	3-Chloropropene	107051		1000/10 [@]
Aniline	Aminobenzene	62533	U012	5000/1000 [@]
Antimony*		7440360		5000/100 [@]
Antimony compounds		20008		100
Barium*		7440393		100
Barium compounds		20020		100
Butenes (all isomers)		25167673		100 [†]
n-Butyl alcohol	1-Butanol	71363	U031	5000/1000 [@]
Carbonic dichloride	Phosgene	75445	P095	10/1 [@]
Chlorinated Dibenzo Furans, all isomers				1
Chlorine Dioxide	Chlorine Oxide	10049044		1
Chromium ³ *		7440473		5000/100 [@]
Chromium compounds		20064		100
Copper ³		7440508		5000/100 [@]
Copper compounds		20086		100
Cumene	Isopropyl benzene	98828	U055	5000/1000 [@]
Ethyl acrylate	2-Propenoic acid, ethyl ester	140885	U113	1000/10 [@]
Ethylene	Ethene	74851		5000 [#] or 100 [†]
Glycol ethers **				100
Hexane	Hexyl hydride	110543		5000/1000 [@]
Hydrogen chloride	Hydrochloric acid	7647010		5000/1000 [@]
Hydrogen fluoride	Hydrofluoric acid	7664393	U134	100/10 [@]
Manganese*	Colloidal manganese	7439965		100
Manganese compounds				100
Methyl acrylate	2-Propenoic acid methyl ester	96333		10
Methyl ethyl ketone (MEK)	2-Butanone	78933	U159	5000/1000 [@]
Methyl isobutyl ketone	4-Methyl-2-pentanone	108101	U161	5000/1000 [@]
Methylmercaptan	Methanethiol	74931	U153	100/25 [@]
Methyl methacrylate	2-Methylacrylic acid methyl ester	80626	U162	1000/100 [@]
Methylene diphenyl diisocyanate	Methylene bisphenyl isocyanate	101688		1000
Nitric acid	Hydrogen nitrate	7697372		1000/100 [@]
Oil				1 barrel
Phthalic anhydride	1,3-Isobenzofurandione	85449	U190	5000/1000 [@]
Polynuclear Aromatic Hydrocarbons ***				1
Produced Water				1 barrel
Propionaldehyde	Propionic aldehyde	123386		1000/100 [@]
Propylene	Propene	115071		100 [†]
Sweet Pipeline Gas (Methane/Ethane)				42000 (1,000,000 scf)
Toluene	Methyl-benzene	108883	U220	100 [†]
Vinyl acetate	Vinyl acetate monomer	108054		5000/100 [@]
Volatile Organic Compounds not otherwise listed ⁴				5000
Highly reactive volatile organic compounds listed below: acetaldehyde; butenes (all isomers); ethylene; propylene; toluene; xylene (all isomers); and/or isoprene ⁵				100 [†]
F003 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F003	100
Methyl isobutyl ketone		108101		5000/1000 [@]
n-Butyl alcohol		71363		5000/1000 [@]
F005 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F005	100
Methyl ethyl ketone		78933	U159	5000/1000 [@]

Note * - Note ⁴ ...

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

Note @ ...

[†] The RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere 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.

[#] RQ for state except 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.

Part III. Air

Chapter 11. Control of Emissions of Smoke

§1105. Smoke from Flaring Shall Not Exceed 20 Percent Opacity

A. The emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets shall be controlled so that the shade or appearance of the emission does not exceed 20 percent opacity (LAC 33:III.1503.Table 4) for a combined total of six hours in any 10 consecutive days. If it appears the emergency cannot be controlled in six hours, the Office of Environmental Compliance shall be notified by the emitter in accordance with LAC 33:I.3923 as soon as possible after the start of the upset period. Such notification does not imply the administrative authority will automatically grant an exemption to the source(s) of excessive emissions.

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 25:656 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 30:1671 (August 2004).

Chapter 15. Emission Standards for Sulfur Dioxide

§1513. Recordkeeping and Reporting

A. The owner or operator of any facility subject to the provisions of this Chapter shall record and retain at the site for at least two years the data required to demonstrate compliance with or exemption from these provisions. All emissions data shall be recorded in the units of the standard using the averaging time of the standard. These data shall be made available to a representative of the department or the U.S. EPA on request. Compliance data shall be reported to the department annually in accordance with LAC 33:III.918. In addition, quarterly reports of three-hour excess emissions and reports of emergency conditions in accordance with LAC 33:I.Chapter 39 shall be made.

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 18:376 (April 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1671 (August 2004).

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - I.5. ...

6. records of the type(s) of VOC stored and the length of time stored for any storage tank exempted under Paragraph G.5 of this Section.

7. - 7.b. ...

J. The facility shall provide notice of any use of a storage tank exempted under Paragraph G.5 of this Section. The notice shall be provided to the Office of Environmental Compliance in the manner identified in LAC 33:I.3923.A in advance, if possible, but no later than 24 hours after the tank starts filling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 30:751 (April 2004), LR 30:01669 (August 2004).

Subpart 4. Emergency Response Regulations

Chapter 69. Emergency Response Regulations

§6919. Emergency Response Storage Facility Requirements

A. - A.1. ...

a. Storage of material generated from the abatement and/or cleanup of an off-site emergency condition may be authorized by the administrative authority for up to 90 days. Storage of such material maintained in an emergency response facility shall be in accordance with the requirements in Paragraph A.2 of this Section.

A.1.b. - A.2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1), (14), and (15).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:978 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1671 (August 2004).

§6923. Characterization of Stored Material

A. The responsible person must determine the character (chemical composition and regulatory status) of any material stored in an emergency response storage facility before the time allowed for storage in accordance with LAC 33:I.6919 has elapsed and prior to any subsequent management activities, except as authorized by the administrative authority.

B. Except as otherwise provided by this Chapter, materials generated from the abatement and/or cleanup of an off-site emergency condition or cleanup as a result of a discharge of a pollutant must be managed according to the requirements of all applicable regulations including, but not limited to, LAC 33:V and VII.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1), (14), (15) and 2025.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:979 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1671 (August 2004).

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 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004).

§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. - K.4. ...

L. This Section does not apply to safety relief and vapor blowdown systems where control cannot be accomplished because of safety or economic considerations. However, the emissions from these systems shall be reported to the department as required under LAC 33:III.918. Emergency conditions shall be reported in accordance with LAC 33:I.Chapter 39.

M. - 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 30:745 (April 2004), LR 30:1672 (August 2004).

Chapter 23. Control of Emissions for Specific Industries¹

Subchapter B. Aluminum Plants

§2303. Standards for Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Primary Aluminum Plants

A. - F.1.d. ...

2. Every horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall furnish, upon request to the department, such other data as the administrative authority may require to evaluate the plant's emission control program. Such plants

shall immediately report any unauthorized emissions of any air contaminants to the Office of Environmental Compliance in accordance with LAC 33:I.3923.

G. - G.3. ...

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 Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), LR 30:1672 (August 2004).

Subchapter D. Nitric Acid Industry

§2307. Emission Standards for the Nitric Acid Industry

A. - C.1. ...

a. A four-hour start-up exemption from emission regulations may be authorized by the administrative authority for plants not subject to 40 CFR Part 60, Subpart G, as incorporated by reference in LAC 33:III.Chapter 30, which have been shut down. It is recognized that existing nitrogen oxide abatement equipment is effective only at normal operating temperatures. This provision allows the necessary time to bring up a facility from a cold start to near steady state condition. A report, in writing, explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emissions, shall be submitted to the Office of Environmental Compliance, Surveillance Division within seven calendar days of the occurrence using the procedures provided in LAC 33:I.3925.

1.b. - 2. ...

a. A four-hour exemption from emission regulations may be extended by the administrative authority to plants not subject to 40 CFR Part 60, Subpart G, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emissions shall be submitted to the Office of Environmental Compliance, Surveillance Division within seven calendar days of the occurrence using the procedures provided in LAC 33:I.3925.

C.2.b. - 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 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), LR 30:1672 (August 2004).

Chapter 27. Asbestos-Containing Materials in Schools and State Buildings Regulation

§2719. Operations and Maintenance

A. - F.2.b. ...

c. Provide a prompt notification to the Office of Environmental Compliance of the major fiber release episode in accordance with LAC 33:I.3923 within 24 hours of the discovery of such an episode, and in writing as specified in LAC 33:I.3925 within seven calendar days after the initial notification.

d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), LR 30:1672 (August 2004).

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. - B.1. ...

2. Emission Control Bypasses. Except as provided in Paragraph B.6 of this Section, for any unauthorized discharge into the atmosphere of a toxic air pollutant as a result of bypassing an emission control device, when the emission control bypass was not the result of an upset, and the quantity of the unauthorized bypass is greater than or equal to the lower of the Minimum Emission Rate (MER) in Table 51.1 of this Chapter or a reportable quantity (RQ) in LAC 33:I.3931, or the quantity of the unauthorized bypass is greater than one pound and there is no MER or RQ for the substance in question, the owner or operator of the source shall provide prompt notification to the Office of Environmental Compliance of the bypass no later than 24 hours after the beginning of the bypass in the manner provided in LAC 33:I.3923. Where the emission control bypass was the result of an upset, the owner or operator shall comply with Paragraph B.3 of this Section.

3. Nonemergency Conditions. Except as provided in Paragraph B.6 of this Section, for any unauthorized discharge of a toxic air pollutant into the atmosphere that does not cause an emergency condition, the rate or quantity of which is in excess of that allowed by permit, compliance schedule, or variance, or for upset events that exceed the reportable quantity in LAC 33:I.3931, the owner or operator of the source shall immediately, but in no case later than 24 hours, provide prompt notification to the Office of Environmental Compliance in the manner provided in LAC 33:I.3923.

B.4. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and 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 29:2778 (December 2003), LR 30:1673 (August 2004).

Subchapter M. Asbestos

§5151. Emission Standard for Asbestos

A. - F.2.e. ...

f. provide prompt notification of emergencies in the manner provided in LAC 33:I.3923 immediately, but in no case later than one hour after learning of the incident which will induce emergency demolition or renovation operations:

F.2.f.i. - P.2.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 Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004).

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 11. Generators

Subchapter A. General

§1109. Pre-Transport Requirements

A. - E.7.d.iv.(b). ...

(c). in the event of a fire, explosion, or other release that could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the Office of Environmental Compliance in accordance with LAC 33:I.3923.

7.e. - 12. ...

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 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709 and 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004).

Chapter 19. Tanks

§1913. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements.

A. - C.2. ...

D. Notifications, Reports (LAC 33:V.105.A)

1. Any release to the environment, except as provided in LAC 33:V.1913.D.2, must be reported to the Office of Environmental Compliance in accordance with LAC 33:I.3923 within 24 hours of its detection. If the release has been reported in accordance with LAC 33:V.105.J, that report will satisfy this requirement.

D.2. - F.NOTE ...

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 13:651 (November 1987), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), LR 30:1673 (August 2004).

Chapter 22. Prohibitions on Land Disposal
Subchapter B. Hazardous Waste Injection Restrictions

§2271. Exemptions to Allow Land Disposal of a Prohibited Waste by Deep Well Injections

A. - T.1. ...

a. notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923 within 24 hours of obtaining such evidence;

T.1.b. - Z. ...

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 22:22 (January 1996), amended LR 23:299 (March 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2479 (November 2000), LR 30:1674 (August 2004).

Chapter 28. Drip Pads

§2805. Design and Operating Requirements

Owners and operators of drip pads must ensure that the pads are designed, installed, and operated in accordance with LAC 33:V.2805.A or C.

A. - N.1.c. ...

d. within 24 hours after discovery of the condition, notify the Office of Environmental Compliance in accordance with LAC 33:I.3923 and, within 10 working days, provide written notice to the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B and C, including a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.

N.2. - P. ...

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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), LR 30:1674 (August 2004).

Chapter 29. Surface Impoundments

§2909. Emergency Repairs; Contingency Plans

A. - B.5. ...

6. notify the Office of Environmental Compliance of the problem in accordance with LAC 33:I.3923 within 24 hours of detection and in writing using the procedures provided in LAC 33:I.3925 within seven days after detecting the problem.

C. - E. ...

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), LR 30:1674 (August 2004).

Chapter 41. Recyclable Materials

§4101. Applicability

A. - C. ...

D. Upon transport of a recyclable material from the generation site and out of the direct control of the generator, the owner of the recyclable material shall notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923 within 24 hours of any determination that the material shall not be used, reused, or recycled. Following such a determination the recyclable material is no longer considered a recyclable material and is fully subject to all requirements of these regulations.

E. ...

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 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), LR 30:1674 (August 2004).

§4107. Spills

A. Any spill of recyclable material that could possibly endanger human health or adversely affect the environment shall be reported to the department in accordance with LAC 33:I.Chapter 39.

B. - C. ...

D. Whenever a spill of recyclable material occurs that requires immediate removal to protect human health or the environment, the transporter shall immediately notify the Office of Environmental Compliance in accordance with LAC 33:I.3923.

E. ...

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 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), LR 30:1674 (August 2004).

Chapter 42. Conditional Exemption for Low-Level Mixed Waste Storage and Disposal

§4211. How Could You Lose the Conditional Exemption for Your LLMW and What Action Must You Take?

A. - A.1.c. ...

2. If the failure to meet any of the conditions may endanger human health or the environment, you must also promptly notify the Office of Environmental Compliance in accordance with LAC 33:I.3923 and submit a written report within five days using the procedures provided in LAC 33:I.3925.B and C. Failures that may endanger human health or the environment include, but are not limited to, discharge of a CERCLA reportable quantity or other leaking or exploding tanks or containers or detection of radionuclides above background or hazardous constituents in the leachate collection system of a storage area. If the failure may endanger human health or the environment, you must follow the provisions of your emergency plan.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1006 (May 2002), amended LR 28:2181 (October 2002), LR 30:1674 (August 2004).

§4241. How Could You Lose the Transportation and Disposal Conditional Exemption for Your Waste and What Actions Must You Take?

A. - A.1.c. ...

2. If the failure to meet any of the conditions may endanger human health or the environment, you must also promptly notify the Office of Environmental Compliance in accordance with LAC 33:I.3923 and submit a written report within five days using the procedures provided in LAC 33:I.3925.B and C.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1008 (May 2002), amended LR 28:2181 (October 2002), LR 30:1675 (August 2004).

Chapter 53. Military Munitions

§5309. Standards Applicable to the Storage of Solid Waste Military Munitions

A. - A.1.d. ...

e. the owner or operator must provide prompt notice to the Office of Environmental Compliance in the manner provided in LAC 33:I.3923 within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Paragraph A.1 of this Section that may endanger health or the environment. In addition, a written submission, using the procedures provided in LAC 33:I.3925, describing the circumstances shall be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Paragraph A.1 of this Section;

A.1.f. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1757 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2510 (November 2000), LR 30:1675 (August 2004).

Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation

Chapter 2. Site Discovery and Evaluation

§201. Site Discovery

A. Site Discovery Reporting Requirements. As part of a program to identify inactive or uncontrolled contaminated sites, the owner, operator, or other responsible person shall report to the Office of Environmental Compliance within 24 hours, in the manner provided in LAC 33:I.3923, any sites where hazardous substances have been, or could have been, disposed of or discharged. This Section sets forth the requirements for reporting such sites.

B. - B.1.d. ...

2. The department must be notified regardless of whether the contaminants were discovered before or after the effective date of these regulations.

3. The department shall be notified in writing, using the procedures provided in LAC 33:I.3925.B and C, within 30 calendar days of the discovery of the discharge or disposal of any hazardous substance at an inactive or uncontrolled site. The date that the department was officially notified shall be determined as follows:

3.a. - 5.f. ...

C. Voluntary Reporting. In addition to the mandatory reporting by those persons listed under Subsection B of this Section, all members of the public are encouraged to report to the department any suspected discharge, disposal, or presence of any hazardous substance at any inactive or uncontrolled site. This voluntary reporting can be made by contacting the Office of Environmental Compliance in the manner provided in LAC 33:I.3923.

D. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2182 (November 1999), amended LR 26:2511 (November 2000), LR 28:1762 (August 2002), LR 30:1675 (August 2004).

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 3. Scope and Mandatory Provisions of the Program

§315. Mandatory Provisions

All persons conducting activities regulated under these regulations shall comply with the following provisions.

A. - J. ...

K. Reporting of Unauthorized Discharge. Any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land of the state in contravention of the act, these regulations, or the terms and conditions of a permit issued thereunder, or any accident, fire, explosion, or other emergency that results in such unauthorized solid waste discharge, shall be reported by any person causing, allowing, or suffering said discharge or by any person with knowledge of the discharge to the Office of Environmental Compliance in accordance with LAC 33:I.Chapter 39.

L. ...

M. Notice of Damage to Structures in a Solid Waste Facility. The Office of Environmental Compliance shall be notified within 48 hours, in the manner provided in LAC 33:I.3923, when damage to or degradation of any structure of a solid waste facility occurs that would impair the ability of the facility to meet the conditions of its permit.

N. - R.2. ...

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, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004).

Chapter 7. Solid Waste Standards
Subchapter B. Landfills, Surface Impoundments,
Landfarms

§711. Standards Governing Landfills (Type I and II)

A. - D.3.a.iii. ...

(a). immediately take all necessary steps to ensure protection of human health and notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923;

(b). within 30 days of detection, submit a remediation plan to the Office of Environmental Assessment, Environmental Technology Division for the methane gas releases. The plan shall describe the nature and extent of the problems and the proposed remedy and shall include an implementation schedule. The plan must be implemented within 60 days of detection.

iv. The permit holder shall make prompt notification to the Office of Environmental Compliance in accordance with LAC 33:I.3923 when strong odors occur at facility boundaries.

D.3.a.v. - F.3.d. ...

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, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004).

§713. Standards Governing Surface Impoundments (Type I and II)

A. - D.3.a.iii. ...

(a). immediately take all necessary steps to ensure protection of human health and notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923;

(b). within 30 days of detection, submit a remediation plan for the methane gas releases to the Office of Environmental Assessment, Environmental Technology Division. The plan shall describe the nature and extent of the problem and the proposed remedy, and shall include an implementation schedule. The plan must be implemented within 60 days of detection.

iv. The permit holder shall make prompt notification to the Office of Environmental Compliance in accordance with LAC 33:I.3923 when strong odors occur at facility boundaries or when methane gas levels exceed the limit specified in Clause D.3.a.ii of this Section.

D.3.a.v. - F.2.b.iv. ...

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, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004).

§715. Standards Governing Landfarms (Type I and II)

A. - D.3.a.iii. ...

(a). immediately take all necessary steps to ensure protection of human health and notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923;

(b). within 60 days of detection, submit a remediation plan for the methane gas releases to the Office of Environmental Assessment, Environmental Technology Division. The plan shall describe the nature and extent of the problem and the proposed remedy, and shall include an implementation schedule.

iv. The permit holder shall make prompt notification to the Office of Environmental Compliance in accordance with LAC 33:I.3923 when strong odors occur at facility boundaries.

D.3.a.v. - F.3.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, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004).

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 5. Enforcement

§503. Investigations

A. Any person may file an oral or written complaint concerning an alleged violation or environmental problem with the Office of Environmental Compliance in the manner provided in LAC 33:I.3923. The complainant may remain anonymous, if desired, and such a request for anonymity shall not be considered as a prejudicial factor in evaluation of the appropriate response to the complaint.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2543 (November 2000), LR 30:1676 (August 2004).

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 27. LPDES Permit Conditions

§2701. Conditions Applicable to All Permits

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2703. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

A. - L.5. ...

6. Twenty-Four Hour Reporting

a. The permittee shall report any noncompliance that may endanger health or the environment in the manner provided in LAC 33:I.3923. Any information shall be provided promptly within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The

written submission shall be done in accordance with LAC 33:I.3925.B and C and shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

b. - b.iii. ...

c. The state administrative authority may waive the written report on a case-by-case basis for reports under LAC 33:IX.2701.L.6.b if a prompt report under LAC 33:I.3923 has been received within 24 hours.

L.7. - N.4. ...

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 Water Pollution Control Division, LR 23:724 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2553 (November 2000), LR 28:468 (March 2002), repromulgated LR 30:230 (February 2004), amended LR 30:1676 (August 2004).

Part XI. Underground Storage Tanks

Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response

§707. Reporting of Suspected Releases

A. All owners, operators, employees, agents, contractors, or assigns having knowledge of any of the conditions listed below shall notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923 within 24 hours after becoming aware of the occurrence or, if they have knowledge of an emergency condition, shall report it immediately in accordance with LAC 33:I.Chapter 39. After discovery of any of the following conditions, owners and operators of UST systems shall follow the procedures specified in LAC 33:XI.711:

1. released regulated substances are discovered at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, or nearby surface water);

2. unusual operating conditions are observed (such as the erratic behavior of product-dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced;

3. monitoring results from a release detection method required under LAC 33:XI.703.B and C indicate that a release may have occurred, unless:

a. the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring conducted within 24 hours does not confirm the initial result; or

b. in the case of inventory control, a second month of data does not continue to indicate a loss.

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 by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004).

§713. Reporting and Cleanup of Spills and Overfills

A. Owners and operators of UST systems must contain, immediately clean up, and report a spill or overfill to the Office of Environmental Compliance in accordance with LAC 33:I.3923 within 24 hours. The owner or operator shall begin corrective action in accordance with LAC 33:XI.715 in the following cases.

1. A spill or overfill of petroleum has resulted in a release to the environment that exceeds one barrel (42 gallons) or that causes a sheen on nearby surface water. If the spill or overfill results in an emergency condition, as defined in LAC 33:I.3905, the incident must be reported in accordance with LAC 33:I.Chapter 39 immediately, but in no case later than one hour, regardless of the amount released.

2. A spill or overfill of a hazardous substance has resulted in a release to the environment that equals or exceeds the reportable quantity for that substance in LAC 33:I.3931. If the spill or overfill results in an emergency condition, as defined in LAC 33:I.3905, the incident must be reported in accordance with LAC 33:I.Chapter 39 immediately, but in no case later than one hour, regardless of the amount released. A release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center, under Sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to appropriate authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986 (40 CFR 355.40).

B. Follow-up written reports must be submitted within seven calendar days, as required by LAC 33:I.3925. The written report must satisfy the requirements of LAC 33:I.3925.B and C.

C. Owners and operators of UST systems must contain and immediately clean up a spill or overfill of petroleum that is less than one barrel and a spill or overfill of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, owners and operators must immediately notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923.

Note: Repealed.

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 18:728 (July 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004).

§715. Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

A. - B. ...

1. Report the release to the Office of Environmental Compliance in accordance with LAC 33:I.3923.

2. Take immediate action to prevent any further release of the regulated substance into the environment.

3. Identify and mitigate fire, explosion, and vapor hazards.

C. - C.1.f. ...

2. Within 20 days after release confirmation or another reasonable period of time determined by the department in writing, owners and operators must submit a report to the Office of Environmental Compliance, Surveillance Division summarizing the initial abatement steps taken under Paragraph C.1 of this Section and any resulting information or data.

D. - D.1.e. ...

2. Within 60 days of release confirmation or another reasonable period of time determined by the department in writing, owners and operators must submit the information collected in compliance with Paragraph D.1 of this Section to the Office of Environmental Assessment, Remediation Services Division in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the department.

E. Free Product Removal. At sites where investigations under Subparagraph C.1.f of this Section indicate the presence of free product, owners and operators must remove free product to the maximum extent practicable as determined by the Office of Environmental Assessment, Remediation Services Division, while continuing, as necessary, any actions initiated under Subsections B-D of this Section, or preparing for actions required under Subsections F-G of this Section. To meet the requirements of this Subsection, owners and operators must take the following actions.

1. - 3. ...

4. Unless directed to do otherwise by the department, prepare and submit to the Office of Environmental Assessment, Remediation Services Division, within 45 days after confirming a release, a free product removal report that provides at least the following information:

E.4.a. - H.4. ...

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), amended by the Office of the Secretary, LR 24:2253 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004).

Part XV. Radiation Protection

Chapter 3. Licensing of Radioactive Material

Subchapter D. Specific Licenses

§341. Reporting Requirements for General and Specific Licenses

A. Immediate Report. Each licensee shall notify the Office of Environmental Compliance by telephone at (225) 765-0160 in the manner provided in LAC 33:I.3923 as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (events may include fires, explosions, toxic gas releases, etc.).

B. Twenty-Four Hour Report. Each licensee shall notify the Office of Environmental Compliance by telephone at (225) 765-0160 in the manner provided in LAC 33:I.3923

within 24 hours after the discovery of any of the following events involving licensed material:

1. - 4.b. ...

C. Preparation and Submission of Reports. Reports made by licensees in response to the requirements of LAC 33:XV.341 must be made as follows.

1. Licensees shall make reports required by LAC 33:XV.341.A and B to the Office of Environmental Compliance by telephone at (225) 765-0160 in the manner provided in LAC 33:I.3923. To the extent that the information is available at the time of notification, the information provided in these reports must include:

a. - d. ...

e. any personnel radiation exposure data available.

2. Each licensee who makes a report required by LAC 33:XV.341.A or B shall submit a written follow-up report within 30 days of the initial report to the Office of Environmental Compliance by using the procedures provided in LAC 33:I.3925.B and C. Written reports prepared pursuant to other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports must be sent to the department. The reports must include the following:

a. - f. ...

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 21:554 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2573 (November 2000), LR 30:1678 (August 2004).

Chapter 4. Standards for Protection Against Radiation

Subchapter J. Reports

§485. Reports of Stolen, Lost, or Missing Licensed or Registered Sources of Radiation

A. - A.3. ...

B. Written Reports. Each licensee or registrant required to make a report in accordance with LAC 33:XV.485.A shall, within 30 days after making the telephone report, make a written report to the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B and C and setting forth the following information:

1. - 6. ...

C. Subsequent to filing the written report, the licensee or registrant shall also report to the Office of Environmental Compliance in the manner provided in LAC 33:I.3925.B and C additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2579 (November 2000), LR 30:1678 (August 2004).

§486. Notification of Incidents

A. Immediate Notification. Notwithstanding other requirements for notification, each licensee or registrant

shall immediately report to the Office of Environmental Compliance by telephone at (225) 765-0160 in accordance with LAC 33:I.3923 each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

1. - 2. ...

B. Twenty-Four Hour Notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Office of Environmental Compliance by telephone at (225) 765-0160 in accordance with LAC 33:I.3923 each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

B.1. - E. ...

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 22:973 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2579 (November 2000), LR 26:2770 (December 2000), LR 30:1678 (August 2004).

§487. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Constraints or Limits

A. Reportable Events. In addition to the notification required by LAC 33:XV.486, each licensee or registrant shall submit a written report to the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B and C within 30 days after learning of any of the following occurrences:

A.1. - C. ...

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 26:2579 (November 2000), LR 26:2771 (December 2000), LR 27:1231 (August 2001), LR 30:1679 (August 2004).

§492. Reports of Leaking or Contamination From Sealed Sources

A. The licensee or registrant shall file a report within five days with the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B and C if the test for leakage or contamination required in accordance with LAC 33:XV.426 indicates a sealed source is leaking or a source of contamination. The report shall include the equipment involved, its model number and serial number if assigned, the estimated activity of the source, the test results, the date of the test, and the corrective action taken.

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 26:2580 (November 2000), LR 30:1173 (June 2004), LR 30:1679 (August 2004).

Chapter 7. Use of Radionuclides in the Healing Arts **§712. Notifications, Reports, and Records of Medical Events**

A. - B. ...

C. The following notifications are required for a medical event.

1. The licensee shall notify the Office of Environmental Compliance by telephone at (225) 765-0160 in the manner provided in LAC 33:I.3923 no later than the next calendar day after discovery of the medical event.

2. The licensee shall submit a written report to the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B and C within 15 days after discovery of the medical event. The written report shall include the licensee's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the individual who received the administration; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the individual, or the individual's responsible relative or guardian, and if not, why not, and if the individual was notified, what information was provided to the individual. The report shall not include the individual's name or other information that could lead to identification of the individual. To meet the requirements of this Section, the notification of the medical event may be made to the individual or instead to that individual's responsible relative or guardian, when appropriate.

C.3. - F.2. ...

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, LR18:34 (January 1992), amended LR 24:2102 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2588 (November 2000), LR 30:1174 (June 2004), LR 30:1679 (August 2004).

Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies

Subchapter D. Notification

§2051. Notification of Incidents, Abandonment, and Lost Sources

A. The licensee shall immediately notify the Office of Environmental Compliance by telephone at (225) 765-0160 in the manner provided in LAC 33:I.3923 and subsequently within 30 days by confirmatory report using the procedures provided in LAC 33:I.3925.B and C if the licensee knows or has reason to believe that a sealed source has been ruptured. The report must designate the well or other location, describe the magnitude and extent of the release of licensed materials, assess the consequences of the rupture, and explain efforts planned or being taken to mitigate these consequences.

B. Whenever a sealed source or device containing radioactive material is lodged downhole, the licensee shall:

1. ...

2. notify the Office of Environmental Compliance immediately by telephone at (225) 765-0160 in the manner provided in LAC 33:I.3923 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 of Environmental Compliance using the procedures provided in LAC 33:I.3925.B and C within 30 days of detection.

C. - C.1.c. ...

2. notify the Office of Environmental Compliance by telephone at (225) 765-0160 in the manner provided in LAC 33:I.3923 giving the circumstances of the loss, and request approval of the proposed abandonment procedures; and

3. file a written report with the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B and C within 30 days of the abandonment, setting forth the following information:

C.3.a. - 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), 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), LR 30:1679 (August 2004).

Wilbert F. Jordon, Jr.
Assistant Secretary

0408#029

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

RCRA Cluster XIII
(LAC 33:V.105, 2223, 2299 and 4139)(HW085*)

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.105, 2223, 2299, Table 2, and 4139 (Log #HW085*).

This Rule is identical to federal regulations found in 67 FR 48393-48415, July 24, 2002, and 67 FR 62618-62624, October 7, 2002, 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).

The Rule represents rules required for state adoption and authorization for RCRA Cluster XIII. This Rule will allow the state of Louisiana to request authorization for the National Treatability Variance (adopted by EPA October 7, 2002) from the Land Disposal Restrictions (LDR) treatment standards for radioactively contaminated cadmium-, mercury-, and silver-containing batteries by designating new treatment subcategories for these wastes. Macroencapsulation is designated as the required treatment prior to land disposal for the new waste subcategories. Also,

this rule will ensure more consistent regulatory framework for the practice of making zinc fertilizer products from recycled hazardous secondary materials. This Rule establishes conditions for excluding hazardous secondary materials used to make zinc fertilizers from the regulatory definition of solid waste. The Rule also establishes new product specifications for contaminants in zinc fertilizers made from those secondary materials. Adoption of regulations is a requirement for the state to request authorization for RCRA Cluster XIII and to maintain delegation of the Hazardous Waste program. The basis and rationale for this rule are to mirror the federal regulations and to obtain authorization of the RCRA program.

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 V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality and Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Those wastes that are excluded from regulation are found in this Section.

A. - D.1.r.ii. ...

s. spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or *accumulated speculatively*, as defined in LAC 33:V.109;

t. hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:

i. hazardous secondary materials used to make zinc micronutrient fertilizers must not be *accumulated speculatively*, as defined in LAC 33:V.109;

ii. generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must:

(a). submit a one-time notice to the Office of Environmental Services, Permits Division, that contains the name, address, and EPA ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this Subparagraph;

(b). store the excluded secondary material in tanks, containers, or buildings that are constructed and

maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support and must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose must be structurally sound and, if outdoors, must have roofs or covers that prevent contact with wind and rain. Containers used for this purpose must be kept closed except when it is necessary to add or remove material and must be in sound condition. Containers that are stored outdoors must be managed within storage areas that:

- (i). have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;
- (ii). provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and
- (iii). prevent run-on into the containment system;

(c). with each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of this Subparagraph;

(d). maintain, at the generator's or intermediate handler's facility, for no less than three years, records of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the following information:

- (i). the name of the transporter and the date of the shipment;
 - (ii). the name and address of the facility that received the excluded material and documentation confirming receipt of the shipment; and
 - (iii). the type and quantity of excluded secondary material in each shipment;
- iii. manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:

(a). store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in Subclause D.1.t.ii.(b) of this Section;

(b). submit a one-time notification to the Office of Environmental Services, Permits Division, that at a minimum, specifies the name, address, and EPA ID number of the manufacturing facility and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this Subparagraph;

(c). maintain, for a minimum of three years, records of all shipments of excluded hazardous secondary materials received by the manufacturer that must, at a minimum, identify for each shipment the name and address of the generating facility, the name of the transporter, the date the materials were received, the quantity received, and a brief description of the industrial process that generated the material; and

(d). submit to the Office of Management and Finance, Financial Services Division, an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc

fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which they were generated;

iv. nothing in this Section preempts, overrides, or otherwise negates the provision in LAC 33:V.1103 that requires any person who generates a solid waste to determine if that waste is a hazardous waste; and

v. interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in Subclause D.1.t.iii.(b) of this Section, and that afterward will be used only to store hazardous secondary materials excluded under this Subparagraph, are not subject to the closure requirements of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 and 43;

u. zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under this Paragraph, provided that:

i. the fertilizer meets the following contaminant limits:

(a). for metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

(b). for dioxin contaminants, the fertilizer must contain no more than 8 parts per trillion of dioxin, measured as toxic equivalent (TEQ);

ii the manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every 6 months, and for dioxins no less than every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at a concentration above the applicable limit. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce; and

iii the manufacturer maintains, for no less than three years, records of all sampling and analyses performed for purposes of determining compliance with the requirements of Clause D.1.u.ii of this Section. Such records must, at a minimum, include:

(a). the dates and times product samples were taken and the dates the samples were analyzed;

(b). the names and qualifications of the persons taking the samples;

(c). a description of the methods and equipment used to take the samples;

(d). the name and address of the laboratory facility at which analyses of the samples were performed;

(e). a description of the analytical methods used, including any cleanup and sample preparation; and

(f). all laboratory analytical results used to determine compliance with the contaminant limits specified in this Subparagraph.

D.2. - O.2.c.vi. ...

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 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687 (September 1998), LR 24:1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464

(November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004).

Chapter 22. Prohibitions on Land Disposal
Subchapter A. Land Disposal Restrictions
§2223. Applicability of Treatment Standards

A. - H. ...

I. Effective September 4, 1998, the treatment standards for the wastes specified in LAC 33:V.4901.D as EPA Hazardous Waste Numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in LAC 33:V.2299.Appendix, Table 2, Treatment Standards for Hazardous Wastes, or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST in LAC 33:V.2299.Appendix, Table 3, for nonwastewaters; and biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST in LAC 33:V.2299.Appendix, Table 3, for wastewaters.

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:668 (April 1998), LR 24:1726 (September 1998), LR 25:443 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:280 (February 2000), LR 30:1682 (August 2004).

§2299. Appendix C Tables 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Table 2. Treatment Standards for Hazardous Wastes

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Non-wastewaters
		Common Name	CAS ² Number	Concentration in mg/L ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/L TCLP" or Technology Code ⁴
*** [See Prior Text in D001 ⁹ - D005 ⁹]					
D006 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW846	Cadmium	7440-43-9	0.69 and meet LAC 33:V.2233 standards ⁸	0.11 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)	Cadmium	7440-43-9	NA	RTHRM
	Radioactively contaminated cadmium-containing batteries (Note: This subcategory consists of nonwastewaters only.)	Cadmium	7440-43-9	NA	Macroencapsulation, in accordance with LAC 33:V.2230
*** [See Prior Text in D007 ⁹ - D008 ⁹]					

Table 2. Treatment Standards for Hazardous Wastes

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Non-wastewaters
		Common Name	CAS ² Number	Concentration in mg/L ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/L TCLP" or Technology Code ⁴
D009 ⁹	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues (High Mercury-Organic Subcategory)	Mercury	7439-97-6	NA	IMERC; OR RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC (High Mercury-Inorganic Subcategory)	Mercury	7439-97-6	NA	RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are residues from RMERC only (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.20 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are not residues from RMERC (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.025 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	All D009 wastewaters	Mercury	7439-97-6	0.15 and meet LAC 33:V.2233 standards ⁸	NA
	Elemental mercury contaminated with radioactive materials (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	AMLGM
	Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	IMERC
	Radioactively contaminated mercury-containing batteries (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	Macroencapsulation, in accordance with LAC 33:V.2230
* * *					
[See Prior Text in D010 ⁹]					
D011 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW846	Silver	7440-22-4	0.43 and meet LAC 33:V.2233 standards ⁸	0.14 mg/L TCLP and meet LAC 33:V.2233 standards ⁸
	Radioactively contaminated silver-containing batteries (Note: This subcategory consists of nonwastewaters only.)	Silver	7440-22-4	NA	Macroencapsulation, in accordance with LAC 33:V.2230
* * *					
[See Prior Text in D012 ⁹ -U411]					

Footnotes 1. - 12. ...
 Tables 3. - 12. ...

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 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:834 (September 1996), LR 23:566 (May 1997), LR 24:301 (February 1998), LR 24:670 (April 1998), LR 24:1732 (September 1998), LR 25:451 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 27:295 (March 2001), LR 29:322 (March 2003), LR 30:1682 (August 2004).

Chapter 41. Recyclable Materials

Subchapter C. Special Requirements for Group III

Recyclable Materials

§4139. Recyclable Materials Used in a Manner

Constituting Disposal

A. - A.2. ...

a. the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means; and

b. such products meet the applicable treatment standards in LAC 33:V.Chapter 22.Subchapter B (or applicable prohibition levels in LAC 33:V.2209 or 2213, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste constituent) that they contain.

3. Fertilizers that contain recyclable materials are not subject to regulation provided that:

a. they are zinc fertilizers excluded from the definition of *solid waste* according to LAC 33:V.105.D.1.u; or

b. they meet the applicable treatment standards in LAC 33:V.2223 for each hazardous waste that they contain.

4. Anti-skid/de-icing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in Paragraph 3 of this Section and remain subject to regulation.

B. - B.4. ...

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 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:367 (April 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 22:21 (January 1996), repromulgated LR 22:100 (February 1996), amended LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998); amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1684 (August 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0406#026

RULE

**Firefighters' Pension and Relief Fund
for the City of New Orleans**

**Partial Lump-Sum Option Payment
(LAC 58:V.1901 and 1903)**

The Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans ("Fund"), pursuant to R.S. 11:3363(F), has amended LAC 58:V.1901 and 1903 in accordance with the Administrative Procedure Act. The amendments will allow members to elect the partial lump-sum option payment even if they have participated in the deferred retirement option plan (DROP), and to rollover their PLOP distribution to another qualified plan.

Title 58

RETIREMENT

**Part V. Firefighters' Pension and Relief Fund for the
City of New Orleans**

Chapter 19. Partial Lump-Sum Option Payment

§1901. General Rules for Participation

A. Upon application for retirement, a participant may elect to receive the actuarial equivalent of his retirement benefit as a reduced monthly benefit, payable for life, plus an initial lump-sum benefit. The amount of the initial lump-sum benefit, as determined by the member, shall not exceed an amount equal to the member's normal monthly retirement benefit times 60.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, and 3385.2.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 26:291 (February 2000), repromulgated LR 26:1610 (August 2000), amended LR 30:1684 (August 2004).

**§1903. Distributions from Partial Lump-Sum Option
Payment**

A. Distributions from the partial lump-sum option payment (PLOP) elected by the member are eligible for rollover as is the case with DROP accounts. Similarly, any amount of the partial lump-sum option payment left with the fund shall be subject to the rules applicable to distribution of DROP accounts.

1. As detailed in those rules applicable to DROP accounts, allowable distributions vary depending upon whether the member retires before, during or after the calendar year in which the member reaches age 55.

B. A member who retires before the calendar year in which the member reaches age 55 may receive distribution of his PLOP at retirement and avoid incurrence of the 10 percent early distribution penalty. In the event any PLOP remains on deposit with the fund, all distribution rules applicable to DROP accounts apply, including the 10 percent early distribution penalty or recapture penalty, if applicable.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, and 3385.2.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 26:291 (February 2000), repromulgated LR 26:1610 (August 2000), amended LR 30:1684 (August 2004).

All currently stated Rules of the board, unless amended herein, shall remain in full force and effect.

Richard Hampton
Secretary-Treasurer

0408#019

RULE

**Firefighters' Pension and Relief Fund
for the City of New Orleans**

**Qualified Domestic Relations Orders
(LAC 58:V.101, 103, and 105)**

The Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans ("Fund"), pursuant to R.S. 11:3363(F), has amended LAC 58:V.101, 103 and 105. The amended Rules eliminate references to the Internal Revenue Code, but retain the references to R.S. 11:291 with respect to the provisions of domestic relations orders. This Rule will limit an alternate payee's ability to begin receiving a pension from the fund prior to the date a participant terminates his employment and begins receiving pension benefits. The Rule will also disallow the payment of any surviving spouse benefits to any person other than the spouse to whom the participant is married on the date of his death.

**Title 58
RETIREMENT**

**Part V. Firefighters' Pension and Relief Fund
for the City of New Orleans**

**Chapter 1. Qualified Domestic Relations Orders
§101. Determining Qualified Status of Domestic
Relations Orders**

A. Intent and Construction. These procedural Rules are adopted in order to satisfy the requirements of R.S. 11:291, and shall be construed consistently with this purpose.

B. The purpose of these Rules is to establish the trustees' willingness to recognize and enforce any QDRO that meets the requirements set forth herein.

C. It is further intended that the provisions of R.S. 11:291 and 292 be strictly observed. Therefore, the trustees shall not honor the terms of any QDRO:

1. ...
2. that requires the fund to provide increased benefits (determined on the basis of actuarial value);
3. that requires the payment of benefits to an alternate payee that are required to be paid to another alternate payee under another order previously determined to be a QDRO;
4. that requires the payment of benefits to an alternate payee prior to the date the participant terminates employment and his retirement benefits commence; or
5. that allow the alternate payee to elect a form of benefit payable in any manner other than over the life of the participant when the order is presented to the Fund after the participant has already begun receiving pension benefits.

D. The trustees will not honor the provision of any QDRO that the participant's former spouse shall be treated as the participant's surviving spouse for purposes of the right to receive all or part of any survivor benefits payable, or that any other spouse of the participant shall not be treated as a spouse of the participant for these purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1304 (October 1997), LR 30:1685 (August 2004).

§103. Definitions

A. ...

* * *

Earliest Retirement Date ~~C~~Repealed.

* * *

Qualified Domestic Relations Order ~~C~~

a. - i. ...

ii. the amount or percentage of the participant's benefits to be paid by the Fund to each alternate payee, or the manner in which such amount or percentage is to be determined;

a.iii. - b.i. ...

ii. the fund to provide increased benefits (determined on the basis of actuarial value);

iii. ...

iv. the payment of benefits to an alternate payee prior to the date the participant terminates employment and begins receiving pension benefits from the fund; or

v. the payment of benefits to an alternate payee in any manner other than over the life of the participant when the order is presented to the fund after the participant has already begun receiving pension benefits.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1304 (October 1997), LR 30:1685 (August 2004).

§105. QDRO Language

A. ...

B. For further guidance concerning those matters that should be considered when drafting a QDRO (e.g., types of benefits, approaches to dividing retirement benefits, form and commencement of payment to alternate payees, and tax treatment of benefits payments made pursuant to a QDRO) the parties are encouraged to consult Notice 97-11 issued by the Internal Revenue Service and appearing in *Internal Revenue Bulletin* 199702 dated January 13, 1997. Additional guidance may be found in the Pension Benefit Guaranty Corporation's booklet entitled *Divorce Orders and PBGC*, which discusses the special QDRO rules that apply for plans that have been terminated and are trustee by PBGC, and provides model QDROs for use with those plans. The publication may be obtained by calling PBGC's Customer Service Center at 1-800-400-PBGC or electronically via the PBGC Internet site at "http://www.pbgc.gov." However, some or all of the principals there set forth may not apply to

this fund by reason of its status as a statutory governmental plan and/or the types of benefits payable under R.S. 11:3361 et seq. Thus the rules and regulations shall supersede the provisions of the IRS Bulletin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1305 (October 1997), LR 30:1685 (August 2004).

All currently stated rules of the board, unless amended herein, shall remain in full force and effect.

Richard Hampton
Secretary-Treasurer

0408#018

RULE

Office of the Governor Board of Home Inspectors

Home Inspectors (LAC 46:XL.Chapters 1-7)

The Board of Home Inspectors proposes has amended LAC 46:XL.101, 105, 109, 119, 120, 127, 131, 139, 141, 303, 305, 309, 311, 313, 315, 317, 319, 321, 325, 327, 329, 501, 701, 703, 705, 707, 709, 711, and 713, and repealed LAC 46:XL.323, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Home Inspector Licensing Law, R.S. 37:1471 et seq. The text is amended and adopted to correct typographical and grammatical errors in the initial draft of the text; to provide additional and clarify existing definitions of terms of art used in the industry; to reflect the recent changes made to the Licensing Law during the last legislative session; to provide standards for in-field training requirements and qualifications; to provide for injunctive relief against violators of the Rules or Law; to bring standards of practice more in line with national standards; to provide a more comprehensive Code of Ethics; and to provide for a more efficient complaint procedure. The Rule amendments have no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The adopted and amended Rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XL. Home inspectors

Chapter 1. General Rules

§101. Adoption of Rules

A. This administrative code (rules of the board) and all revisions and additions to these rules shall be adopted in accordance with R.S. 49:950 et seq., the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004).

§105. Officers; Election; Secretary-Treasurer; Chief Operating Officer; Board Staff; Duties

A. ...

B. The board shall employ a secretary-treasurer who shall not be a member of the board to serve as the chief operating officer (COO) of the board. The COO shall employ other staff as reasonably necessary with approval of the board, and subject to budgetary limitations. In the absence of a contrary board pronouncement, the COO shall serve as the board's appointing authority.

B.1 - C. ...

D. The board shall be represented by the attorney general's office. In lieu of available representation from the attorney general, the board may retain qualified counsel of its choice as according to law and at fees no higher than the schedule provided by the attorney general for special assistant attorneys general. An attorney is qualified if a reasonable portion of their practice and experience is obtained from or devoted to administrative agency practice and procedure or civil litigation. In the event the board needs counsel on a specific area of expertise, an attorney may be retained for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004).

§109. Definitions

Applicant A person who seeks to be examined for licensure by the board.

Board The Louisiana State Board of Home Inspectors.

Code The Louisiana Home Inspectors Licensing Administrative Code, promulgated in LAC 46:XL.

Component A readily accessible and observable aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails or where many similar pieces make up a component.

Credit Hour One continuing education course classroom hour, comprising at least 50 minutes of instruction.

Home Inspection The process by which a home inspector visually examines the readily accessible systems and components of a home and describes those systems and components in accordance with the Standards of Practice.

Home Inspection Report A written evaluation of two or more of the following systems of a resale residential building:

1. electrical system;
2. exterior system;
3. interior system;
4. heating and cooling system;
5. plumbing system;
6. roofing system;
7. structural system;
8. insulation and ventilation system;
9. appliance system;

10. any other related residential housing system as defined in the standards of practice prescribed by the board.

Home Inspector Any person who, in accordance with the provisions of these rules, holds himself out to the general public and engages in the business of performing home

inspections on resale residential buildings for compensation and who examines any component of a building, through visual means and through normal user controls, without the use of mathematical sciences.

Inspection To examine readily accessible systems and components of a building in accordance with the board's Standards of Practice, by using normal operating controls and by opening readily accessible panels.

Law The Louisiana Home Inspector Licensing Law, R.S. 37:1471-1489.

License Period One year, expiring on the last day of the month of issuance of the preceding year.

Licensee Any person who has been issued a license by the board in accordance with the provisions of the law and these Rules.

LSBHI An acronym for the Louisiana State Board of Home Inspectors.

Resale Residential Building A structure intended to be or that is used as a residence and consists of four or less living units, excluding commercial use space or units, which is not for sale for the first time.

Rules The body of regulations governing the board's discharge of its duties and responsibilities and prescribing the privileges and obligations of persons desiring to engage in the home inspection business in Louisiana under the Louisiana State Home Inspectors Licensing Law.

System A combination of interactive or interdependent components assembled to carry out one or more functions.

Timely Filing A letter or written communication bearing a United States Post Office mark inscribed with the date a filing or report is due at the board's office. Any report or materials for filing bearing the canceled postal mark received on the next business day following the due date are presumed timely filed. Any report or materials for filing received after that time may be deemed timely filed only if evidenced by a return receipt or proof of mailing bearing the due date.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1473 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2739 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004).

§115. Licensing Applications; Forms; Terms; Renewals; Inactive Status

A. ...

B. All requirements for issuance of a home inspector license, including passing the board approved licensing examination, must be met within one year of the date of application. Applications over one year old will be discarded and a new application and fee will be required.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004).

§119. Education/Training and Testing; Initial Licensure; Waiver

A. ...

B. Beginning July 1, 2001, any person filing an initial application for licensure shall present evidence to the board

that they have satisfactorily completed at least 120 hours of required home inspection training course(s) by a training provider approved by the board.

1. Thirty hours of the required instruction shall be obtained in the field and be supervised by a licensed home inspector who is a certified training provider approved by the board. The applicant shall be given credit hours for each supervised home inspection attended in accordance with §120. The remainder of the instruction must be classroom hours of home inspection class work approved by the board.

2. ...

C. - C.4. ...

D. The board shall adopt and approve a licensing examination, which may be administered by a nationally accepted testing service as determined by the board.

E. The board shall review examination material relative to the adoption and approval of licensing examinations. The board shall have complete authority to enter into confidentiality agreements which prohibit the public dissemination of information pertaining to review of questions or materials, including any questions or materials certified as proprietary by the person or facility submitting them for evaluation. Any person or testing facility submitting evaluation materials for review, certification, or otherwise, conveys and assigns to the board a right of limited use and license solely for use in the certification process and any related inquiry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2741 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004).

§120. Infield Training; Qualifications; Requirements

A. In order to qualify as an infield trainer, an applicant shall:

1. be a LSBHI licensed home inspector for at least three years;
2. pay the required infield trainer fee(s);
3. be current on all other fees;
4. be current on all continuing education hours; and
5. be approved by the board.

B. Infield training shall consist of live training and dead training which are defined as follows:

Live Training Training of up to two trainees performed by an infield trainer holding an active LSBHI license during an actual, fee paid, live home inspection of a resale residential structure.

Dead Training Training of up to four trainees performed under the supervision of an infield trainer holding an active or inactive LSBHI license, at a residential structure where no inspection fee is paid and no inspection report is provided to a client.

C. Infield training shall consist of a combination of live training and dead training. For each live home inspection attended, the trainee will receive 1.5 credit hours. For each hour of dead training attended, the trainee will receive one credit hour. The trainee must attend a minimum of six live home inspections (nine credit hours) and a minimum of six hours of dead training (six credit hours). The remaining 15 hours of required infield training may be obtained by attending any combination of live and dead training.

D. Prior to admission to an infield training program, the trainee shall complete the required 90 hours of classroom training and pass the licensing exam described in §119.A.

E. Prior to completion of infield training, the trainee shall:

1. prepare a minimum of 10 mock home inspection reports in a format approved by the board that conforms to the requirements of the Standards of Practice;

2. keep all mock home inspection reports for a minimum of three years;

3. complete the board-approved, open book examination of the Standards of Practice and Code of Ethics; and

4. submit the completed examination to the board with his application for licensure.

F. Infield trainers shall provide the trainee with the following:

1. a completed record of training on a form approved by the board;

2. a copy of the Standards of Practice;

3. a copy of the Code of Ethics; and

4. a copy of the board approved examination of the Standards and Code of Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004).

§127. Insurance

A. All active, practicing licensed home inspectors shall carry errors and omissions insurance as well as general liability insurance.

1. The LSBHI will establish and/or approve an association or associations for the purposes of availing its licensees to the benefits of group insurance rates. The board shall establish the terms and conditions of coverage, including but not limited to the permissible deductibles and permissible exemptions. Licensees shall have the option of obtaining insurance independently of the approved association or associations that complies with the coverage requirements established by the board.

2. ...

B. Each licensee who chooses not to participate in the group insurance association approved by the board shall file with the board a certificate of coverage showing compliance with the required terms and conditions of insurance coverage by the inspector's annual license renewal date. The certificate, notice of cancellation, renewal or suspension shall be provided to the board directly by the insurance company.

C. Insurance coverage requirements are as follows:

1. errors and omissions insurance:

a. minimum coverage \$300,000 per year;

b. maximum deductible \$5,000;

2. general liability insurance:

a. minimum coverage \$300,000 per year;

b. maximum deductible \$5,000.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1477 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2743 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§131. Exemptions from Licensure

A. Certain individuals, when acting within the scope of their profession or license, are exempt from licensure requirements when performing inspections within their licensed profession or trade. Those individuals are:

1. - 12. ...

13. persons who perform warranty evaluations of components, systems, or appliances within resale residential buildings for the purpose of issuance of a home warranty agreement, provided that the warranty evaluation report includes a statement that the warranty evaluation performed is not a home inspection and does not meet the standards of a home inspection under Louisiana law. No home warranty company shall refer to a warranty evaluation as a home inspection in any written materials provided by the warranty company.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1483.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2743 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§139. Prohibited Acts: Penalties and Costs

A. - A.11. ...

B. The board may fine any applicant or any member of the public for good cause shown, for activities which include, but are not limited to, the following:

1. aiding or abetting a person to evade the provisions of this Chapter or knowingly conspiring with an unlicensed person with the intent to evade the provisions of this Chapter;

2. engaging in conduct or advertising or holding oneself out as engaging in or conducting the business or acting in the capacity of a home inspector without possessing a valid license.

3. falsely representing oneself as being the holder of a valid license by using the title "licensed home inspector" or any title, designation, or abbreviation deceptively similar or likely to create the impression that such person is licensed.

C. Violators of any of the provisions of these Rules or the law may be fined by the LSBHI in an amount not to exceed \$1,000 per each separate violation.

D. Revocation of a license as a result of disciplinary action by the board may prohibit the re-issuance of a license to such licensee for a period of up to one year from the date of revocation. No license may be granted, renewed or re-issued until any and all fines have been paid. The license of an applicant whose license has been revoked may be reissued by the board upon the successful completion by the applicant of the required examination and upon competent evidence of completion of 20 hours of continuing education as prescribed by the board. A licensee on probation may have his license reinstated upon certification by the board that the licensee is in compliance with the terms of his probation.

E. The board, as a probationary condition or as a condition of a revocation or suspension, may require a licensee to pay all costs of the board proceedings, including but not limited to those expenses related to the services of investigators, stenographers, and attorneys, and any court, agency or board costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1486-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§141. Cease and Desist Orders; Injunctive Relief

A. - B. ...

C. Upon proper showing of the board that such person or firm has engaged in any activity, conduct or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in the unlawful activity, conduct or practice, pending hearing on a preliminary injunction. A permanent injunction shall issue after hearing commanding the cessation of the unlawful activity, conduct or practice complained of, all without the necessity of the board having to give bond as usually required in such cases. A temporary restraining order, preliminary injunction or permanent injunction issued enjoining such person or firm shall not be subject to being released upon bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1488.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1689 (August 2004).

Chapter 3. Standards of Practice

§303. Definitions

A. The definitions in §109 are incorporated into this Chapter by reference. The following definitions apply to this Chapter.

Alarm System Warning devices, whether installed or free standing, including but not limited to, carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

Automatic Safety Control Devices designed and installed to protect systems and components from unsafe conditions.

Central Air Conditioning A system that uses ducts to distribute cooled or heated air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.

Cross Connection Any physical connection or arrangement between potable water and any source of contamination.

Dangerous or Adverse Situations Situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment.

Describe To report, in writing, a system or component by its type, or other observed characteristics, to distinguish it from other systems or components.

Dismantle To take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means, that would not be taken apart by a homeowner in the course of normal household maintenance.

Enter To go into an area to observe all visible components.

Functional Drainage A drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

Functional Flow A reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

Further Evaluation Examination and analysis by a qualified professional or service technician whose services and qualifications exceed those provided by a home inspector.

Inspect To examine readily accessible systems and components of a building in accordance with the Standards of Practice, using normal operating controls and opening readily open able access panels.

Installed Attached such that removal requires tools.

Normal Operating Controls Devices such as thermostats, switches, or valves intended to be operated by the homeowner.

Observe The act of making a visual examination.

On-Site Water Supply Quality Water quality based on the bacterial, chemical, mineral and solids contents of the water.

On-Site Water Supply Quantity Water quantity based on the rate of flow of water.

Operate To cause systems or equipment to function.

Recreational Facilities Spas, saunas steam baths, swimming pools, tennis courts, and exercise, entertainment, athletic, playground or other equipment and associated accessories.

Readily Accessible Available for visual inspection without requiring the moving of personal property, the dismantling, disconnecting, unplugging or destroying of equipment, or any action which may involve a risk to persons or property.

Readily Openable Access Panel A panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, is not sealed in place and is not blocked by stored items, furniture, or building components.

Representative Number For multiple identical interior components such as windows and electrical outlets, one such component per room. For multiple identical exterior components, one such component on each side of the building.

Roof Drainage Components Gutters, downspouts, leaders, splash blocks, scuppers, and similar components used to carry water off a roof and away from a building.

Shut Down A state in which a system or component cannot be operated by normal user controls.

Significantly Deficient Unsafe or not functioning.

Solid Fuel Heating Device Any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.

Structural Component A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

Technically Exhaustive An inspection involving the extensive use of measurements, instruments, testing, calculations, or other means used to develop scientific or engineering findings, conclusions, and recommendations.

Under Floor Crawl Space The area within the confines of the foundation between the ground and the underside of the lowest floor structural component.

Unsafe condition of a readily accessible, installed system or component which, in the opinion of the inspector, is judged to be a significant risk of personal injury or property damage during normal use or under the circumstances.

Wiring Methods manner or general type of electrical conductors or wires installed in the structure such as non metallic sheath cable, armored cable, knob and tube, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1689 (August 2004).

§305. Purpose and Scope

A. The purpose of these Standards of Practice is to establish a minimum and uniform standard for Louisiana state licensed home inspectors. Home inspections performed pursuant to these Standards of Practice are intended to provide the client with information regarding the condition of the systems and components of the home as observed at the time of inspection.

B. Home Inspectors shall:

1. - 1.d. ...
2. inspect readily accessible installed systems and components listed in this Chapter and/or as contractually agreed upon;
3. submit a written report to the client within five days of the inspection which shall:
 - a. describe those systems specified to be described in §§311-329, and/or as contractually agreed upon;
 - b. state which systems designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting;
 - c. state any systems or components so inspected that, in the professional opinion of the inspector, are significantly deficient;
 - d. state the name, license number, and contain the signature of the person conducting the inspection.

C. This Chapter does not limit home inspectors from:

1. reporting observations and conditions or rendering opinions of items in addition to those required in Subsection B of this Rule;
2. excluding systems and components from the inspection, if requested by the client and so stated in the written contract;
3. inspecting systems and components in addition to those required by these Standards of Practice; or
4. specifying needed repairs, provided that the inspector is appropriately qualified to make such recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004).

§309. General Exclusions

A. Home inspectors are not required to inspect or report on:

1. ...
2. the causes of any condition or deficiency;

3. - 5. ...

6. any component or system that was not inspected and so stated in the home inspection report or pre-inspection agreement;

7. the presence or absence of any suspected or actual adverse environmental condition or hazardous substance, including but not limited to toxins such as asbestos, radon and lead, carcinogens, noise, contaminants in the building or in soil, water, and air;

8. decorative or cosmetic items, underground items, or items not permanently installed;

9. hidden, concealed or latent defects;

10. items not visible for inspection including the condition of systems or components which are not readily accessible; or

11. future conditions, including but not limited to, the likelihood of failure or the expected life of systems and components.

B. Home inspectors are not required to:

1. ...
2. calculate or determine the strength, adequacy, or efficiency of any system or component;
3. enter the under-floor crawl spaces, attics, or any area which, in the opinion of the home inspector, is not readily accessible;

4. - 6. ...

7. determine the effectiveness of any system installed to control or remove suspected hazardous substances;

8. project operating costs of components;

9. evaluate acoustical characteristics of any system or component;

10. inspect special equipment or accessories that are not listed as components to be inspected in this Chapter;

11. operate shut-off valves;

12. inspect detached structures, other than garages and carports;

13. inspect common elements or areas in multi-unit housing, such as condominium properties or cooperative housing;

14. dismantle any system or component, except as specifically required by these Standards of Practice.

C. Home inspectors shall not:

1. - 5. ...

6. from the time of the inspection through the date of the closing, advertise or solicit to perform repair services or any other type of service on the home upon which he has performed a home inspection; or

7. perform any other type of inspection or other type of services on the home, unless contracted to do so prior to the date of the inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1478.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004).

§311. Structural Systems

A. The home inspector shall inspect structural components including:

1. foundation;
2. framing; and
3. columns or piers.

B. The Home Inspector shall describe the type of:

1. foundation;
2. floor structure;
3. wall structure;
4. columns;
5. piers;
6. ceiling structure; and
7. roof structure.

C. The home inspector shall:

1. probe structural components only where deterioration is visible, except where probing would damage any surface;

2. enter readily accessible under floor crawl spaces, basements, and attic spaces and, if applicable, report the reason why an area was not readily accessible;

3. report the methods used to inspect or access under floor crawl spaces and attics; and

4. report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004).

§313. Exterior System

A. The home inspector shall inspect:

1. wall cladding, flashings and trim;
2. all doors and windows;
3. storm doors and windows;
4. decks, balconies, stoops, steps, porches, and applicable railings;
5. eaves, soffits, and fascias where visible from the ground level; and
6. vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building.

B. The home inspector shall:

1. describe wall cladding materials;
2. operate all entryway doors;
3. report whether or not any garage door operator will automatically reverse or stop and whether the operator is equipped with a pressure sensitive reverse feature.

C. The home inspector is not required to inspect:

1. - 7. ...
8. detached buildings or structures other than garages and carports;
9. ...
10. sea walls, break walls or docks; or
11. erosion control and earth stabilization measures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§315. Roofing System

A. - A.5. ...

B. The home inspector shall:

1. ...
2. report the methods used to inspect and access the roofing system and any limitations.

C. The home inspector is not required to:

1. ...
2. inspect interiors of flues or chimneys which are not readily accessible; or
3. inspect attached accessories including but not limited to solar systems, antennae, and lightning arrestors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§317. Plumbing System

A. The home inspector shall inspect:

1. water supply and distribution systems, including:
 - a. piping materials, supports, insulation;
 - b. fixtures and faucets;
 - c. functional flow;
 - d. visible leaks; and
 - e. cross connections;

2. - 4. ...

5. sump pumps, drainage sumps, and related piping.

B. The home inspector shall describe:

1. - 4. ...

5. the location of main gas supply shutoff device.

C. The home inspector shall operate all plumbing and plumbing fixtures, including their faucets and all exterior faucets attached to the house, except where the flow end of the faucet is connected to an appliance or winterized equipment.

D. The home inspector is not required to:

1. determine the effectiveness of anti-siphon devices;

2. - 4. ...

5. determine whether the system is properly sized or utilizes proper materials;

6. inspect:

- a. water conditioning systems;
- b. fire and lawn sprinkler systems;
- c. on-site water supply quantity and quality;
- d. on-site waste disposal systems;
- e. foundation irrigation systems;
- f. spas;
- g. swimming pools;
- h. solar water heating equipment; or
- i. wells, well pumps, or water storage related equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§319. Electrical System

A. The home inspector shall inspect:

1. service drop and entrance conductors cables and raceways;

2. service equipment, main disconnect device, main and sub-panels, interior panel components, and service grounding;

3. branch circuit conductors, their overcurrent devices, and their compatibility;

4. the operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles;

5. the polarity and grounding of all receptacles; and

6. the operation of ground fault circuit interrupters.

B. The home inspector shall describe:

1. service amperage and voltage;

2. wiring methods employed; and

3. the location of main and distribution panels.

C. The home inspector shall report any observed solid conductor aluminum branch circuit wiring for 120 volt circuits.

D. ...

E. The home inspector is not required to:

1. - 3. ...

4. inspect:

a. low voltage systems;

b. security system devices, heat detectors, carbon monoxide detectors or smoke detectors;

c. telephone, security, cable TV, intercoms, or other ancillary wiring that is not part of the primary electrical distribution system; or

d. remote controlled device unless the device is the only control device; or

5. measure amperage, voltage or impedance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2748 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§321. Air Conditioning and Heating

A. The home inspector shall inspect permanently installed air conditioning and heating systems including:

1. heating, cooling and air handling equipment installed through the wall ;

2. normal operating controls;

3. chimneys, flues, and vents, where readily accessible;

4. solid fuel heating devices, including fireplaces;

5. air distribution systems including fans, pumps, ducts and piping, with associated supports, insulation, air filters, registers, radiators, fan coil units, convectors; and

6. the presence of an installed heat and/or cooling source in each habitable room.

B. The home inspector shall describe:

1. energy sources; and

2. the heating and cooling methods by their distinguishing characteristics.

C. - D. ...

E. The home inspector is not required to:

1. - 2. ...

3. inspect or operate air duct dampers; or

4. inspect:

a. heat exchangers;

b. humidifiers;

c. dehumidifiers;

d. electronic air filters; or

e. the uniformity, adequacy or balance of heat or cooling supply to habitable rooms.

f. solar space heating systems;

g. components of solid fuel heating devices, such as firecreens and doors, seals and gaskets, automatic fuel feed

devices, mantles and fireplace surrounds, combustion make-up air devices, heat distribution assists, whether gravity controlled or fan assisted; or

h. ignite or extinguish fires, determine draft characteristics, or move fireplace inserts, stoves or fireboxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2748 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§323. Central Air Conditioning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2748 (December 2000), repealed by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§325. Interior System

A. The home inspector shall inspect:

1. - 3. ...

4. all doors and a representative number of windows; and

5. garage doors and electronic beam safety reserve features.

B. - B.2 ...

C. The home inspector is not required to inspect:

1. - 3. ...

4. interior recreational facilities; or

5. garage door operator pressure sensitive reverse failure devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§327. Insulation and Ventilation System

A. - B. ...

1. insulation and vapor retarders in unfinished spaces; and

B.2. - C.2.

D. The home inspector is not required to:

1. disturb insulation or vapor retarders; or

2. determine indoor air quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§329. Built-in Kitchen Appliances

A. The home inspector shall inspect and operate the basic functions of the following appliances:

1. - 6. ...

7. any other built in appliance.

B. The home inspector is not required to inspect:

1. - 3. ...

4. central vacuum system.

C - C.2 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749

(December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

Chapter 5. Code of Ethics

§501. Code of Ethics

A. Purpose. Integrity, honesty, and objectivity are fundamental principles embraced by this Code of Ethics, which sets forth the obligations of ethical conduct for the Licensed Home Inspector (LHI). The Louisiana State Board of Home Inspectors (LSBHI) has enacted this Code to provide high ethical standards to safeguard the public and the profession. LHIs in Louisiana shall comply with this Code, shall avoid association with any enterprise whose practices violate this Code, and shall strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession.

B. Ethical Obligations

1. The LHI shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.

2. The LHI shall not inspect properties for compensation in which he has or expects to have, a financial interest.

3. The LHI shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent upon reported or non-reported findings or on the sale of a property.

4. The LHI shall not directly or indirectly compensate realty agents, brokers or companies, or other parties having a financial interest in the closing/settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.

5. The LHI shall not receive compensation from more than one party per inspection unless agreed to by the client(s).

6. The LHI shall not accept compensation, directly or indirectly, for referring or recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties, unless disclosed and scheduled prior to the home inspection.

7. The LHI shall not repair, replace or upgrade for compensation, reported deficient systems or components covered by these Standards of Practice, until after closing/settlement of the real estate transaction.

8. The LHI shall act in good faith toward each client and other interested parties.

9. The LHI shall perform services and express opinions based upon genuine conviction and only within his areas of education, training or experience.

10. The LHI shall be objective in his reporting and shall not knowingly understate or overstate the significance of observed conditions.

11. The LHI shall not disclose inspection results or a client's personal information without approval of the client or the client's designated representative. At his discretion, the LHI may disclose immediate safety hazards observed to occupants, or interested parties, exposed to such hazards.

12. The LHI shall avoid activities that may harm the public, discredit himself or reduce public confidence in the profession.

13. The LHI shall not disseminate or distribute advertising, marketing, or promotion materials which are fraudulent, false, deceptive, or misleading with respect to the education, experience, or qualifications of the LHI or the company with which he is affiliated.

14. The LHI shall include his license number on all advertising, marketing and promotional material.

15. The LHI shall report substantial and willful violations of this Code to the LSBHI.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004).

Chapter 7. Disciplinary Actions

§701. Definitions

A. The following definitions are used in this Chapter. The definitions in the law and these Rules are incorporated into Chapter 4, Chapter 5, and Chapter 6 by reference.

File or Filing To place the document or item to be filed into the care and custody of the board. The board shall note thereon the filing date. All documents filed with the board, except exhibits, shall be filed in duplicate on letter size 8" by 11" paper.

Party The board, the licensee, and/or any other person who has an administratively cognizable interest in a particular board proceeding.

Service Personal delivery or, unless otherwise provided by law or rule, delivery by certified mail through the United States Postal Service, return receipt requested, addressed to the person to be served at his or her last known address. A Certificate of Service shall be appended to every document requiring service under these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004).

§703. Complaints

A. Anyone with knowledge that a licensee or member of the public is or has been engaged in any conduct proscribed by the law or these rules, may file a written complaint with the board against that person.

B. An information memorandum approved by the board containing instructions for filing a complaint shall be mailed to anyone requesting such information from the board and shall be made available on the board's official website.

C. The complaint shall specifically identify the licensee or member of the public and describe the misconduct.

D. The complaint shall refer to specific violations of the board's Rules or of the law. If the complaint involves violations of the Standards of Practice that the licensee did not observe or report, a list of those items must be submitted with the complaint. A copy of any documentation supporting the allegations shall be filed with the complaint, if available, including but not limited to, the pre-inspection agreement, the inspection report, and any reports made by any other consultant.

E. The complaint shall be in writing, signed by the complainant, and dated. The complaint shall include the

complainant's mailing address, a daytime phone number at which the complainant may be reached, and the street address of the structure made the basis of the complaint, if applicable.

F. The board shall not consider complaints against those performing services that are under the jurisdiction of other regulatory agencies or licensing boards, such as, wood destroying insect inspections, appraisals, or services rendered by licensed architects, engineers, or general contractors, unless the persons rendering those services are licensed home inspectors or hold themselves out as, or engage in the business of, a home inspector.

G. Based upon a review of the records of the board kept in the ordinary course of business, the Chief Operating Officer of the board may initiate a complaint against a licensee based upon the licensee's delinquency or failure to make timely payment of fees, fines or assessments or upon the licensee's failure to comply with reporting requirements, continuing education requirements, insurance requirements, or other requirements of the licensee. In all such cases, the Chief Operating Officer shall send the licensee notification by certified mail specifically outlining the delinquency or violation, including any amounts due. The licensee shall either, pay any fees due, comply with any requirements stated or respond, in writing, within 14 days receipt of the notice disputing the claim or amounts due. A licensee's failure to respond within the delays shall be prima facie proof of his noncompliance subjecting the licensee to immediate suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1483, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004).

§705. Special Investigating Entity

A. For all complaints filed pursuant to §703.A, the board shall appoint a committee, board member, employee, or other qualified licensee to verify whether the allegations listed in the complaint may indicate violations of these Rules, the Standards of Practice, Code of Ethics or the law. This committee, board member, employee or licensee shall be referred to as the "Special Investigating Entity." The chairman may appoint a special investigating entity at any time to commence review of a complaint. This appointment shall be ratified by the board in executive session at its next meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004).

§707. Investigations; Special Investigating Entity; Board Review

A. ...

B. A copy of the complaint shall be served upon the home inspector or member of the public (respondent) in accordance with §707.D. The respondent shall submit a written response to the special investigating entity within two weeks after receipt of the copy of the complaint.

C. ...

D. A copy of the Special Investigating Entity's report shall be mailed to the complainant and to the respondent by certified mail.

E. ...

F. If the report states that the allegations lack sufficient evidence, the special investigating entity shall:

1. advise the complainant and respondent in writing that the evidence was insufficient to support the allegations in the complaint;

2. advise the complainant and respondent that the complaint may be reviewed by the board to determine whether the finding of the special investigating entity is correct;

3. advise the complainant and respondent that the complainant must make a written request for the review by the board within 15 days of mailing, must support the complaint with additional documentation and must set forth specific reasons why the special investigating entity's determination is incorrect.

G. If the complainant makes a written request for review by the board, the board shall review the report and the complainant's documentation. If the board finds that the allegations are unsupported by the evidence, the special investigating entity shall advise the complainant and respondent in writing that the board has concurred with the special investigating entity's conclusion that the complaint lacks sufficient evidence to support the allegations in the complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004).

§709. Disciplinary Hearing; Procedure

A. ...

B. The notice required under §709.A shall:

1. include a statement of the time, place, and nature of the hearing;

2. include a statement of the legal authority under which the hearing is to be held;

3. include reference to the particular sections of the statutes and rules involved;

4. include a short and plain statement of the matters asserted; and

5. be sent by certified mail.

C. In all contested case hearings before the board, the chairman of the board shall serve as presiding officer. In the absence of the chairman, the vice chairman shall serve as presiding officer, or a presiding officer shall be selected by the board.

D. No board member, committee or employee serving as part of the special investigating entity shall participate in the consideration or decision of the matter or confection of the board's decision, order or opinion. However, any member of the special investigating entity may prosecute the case against the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751

(December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004).

§711. Pre-Hearing Resolution

A. The board's staff and the licensee or other person against whom a complaint has been brought may attempt to resolve the complaint by means of a consensual agreement. Such consensual agreement may impose upon the respondent penalties or conditions which include, but are not limited to, requiring the licensee to complete additional training or educational courses, placing the inspector on probation, issuing a letter of reprimand, imposing fines of up to \$1,000 per separate violation, and/or suspending or revoking the inspector's license, all as authorized in the law or these Rules.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1695 (August 2004).

§713. Hearing Procedure; Decision; Notice; Effective Date; Rehearing

A. ...

B. No attorney, board member or employee serving as the prosecuting officer for the board shall participate in the consideration or formulation of the board's decision, any opinion related thereto, or any procedural matter.

C. ...

D. All parties of record shall receive notice of the board's decision within 30 days of the vote on the matter.

E. A board decision or order may be reconsidered by the board at the next board meeting on its own motion or on motion by a party of record, for good cause shown pursuant to a written request filed at the board's office within 10 days following the decision date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1695 (August 2004).

Albert J. Nicaud
Board Attorney

0408#035

RULE

**Office of the Governor
Board of River Port Pilot Commissioners and Examiners
Calcasieu River Waterway**

Annual Board Meeting (LAC 46:LXX.9105)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of River Port Pilot Commissioners and Examiners, Calcasieu River Waterway hereby promulgates rules regarding LAC 46:LXX.9105, Rules, Records, Meetings and Association to change meeting dates and times. The Rule amendment has no known impact on family formation, stability, or autonomy as described in R.S. 49:972. The amendment to the rules is set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXX. River Pilots

**Subpart 10. Board of River Port Pilot Commissioners
and Examiners**

**Chapter 91. Calcasieu River Waterway River Port
Pilots**

§9105. Rules, Records, Meetings, Association

A. - C. ...

D. The board shall hold a regular annual meeting on the fourth Monday of January of each year at 10 a.m. for the purpose of electing officers and conducting any other business as may be appropriate. The board may hold such other meetings as are deemed appropriate and best to conduct the business of the board. The president alone or any two members of the board may call any meeting of the board. The president alone or any two members of the board may cancel any meeting of the board if the board has no business to conduct. All meetings of the board will be held at the board meeting room of The Lake Charles Harbor and Terminal District, 150 Marine Street, Lake Charles, Louisiana, or such other place as may be designated in the call of the meeting.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1072.

HISTORICAL NOTE: Promulgated by the Board of River Port Pilot Commissioners and Examiners, Calcasieu River Waterway, LR 28:1478 (June 2002), amended LR 30:1695 (August 2004).

Brett Palmer
Chairman

0408#038

RULE

**Office of the Governor
Office of Elderly Affairs**

State Plan on Aging (LAC 4:VII.1301-1305)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has amended LAC 4:VII.1301-1323.

The purpose of this amended Rule is to acknowledge that the Office of Elderly Affairs will develop a state plan that will be submitted to the U.S. Department of Health and Human Services, Administration on Aging to receive grants from its allotment under Title III of the Older Americans Act of 1965 as amended (the Act). Title III authorizes formula grants to state agencies on aging to assist states and local communities to develop comprehensive and coordinated systems for the delivery of services to older persons.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 13. State Plan on Aging

§1301. State Plan on Aging

A. To receive funding from the Older Americans Act the State Agency on Aging must have an approved State Plan on Aging. This plan must be on file with the Administration on

Aging and be available for public review. At the minimum, the plan must include:

1. identification by the state of the sole state agency that has been designated to develop and administer the plan;
2. statewide program objectives to implement the requirements under Title III of the Act and any objectives established by the commissioner through the rulemaking process;
3. a resource allocation plan indicating the proposed use of all Title III funds administered by the state agency and the distribution of Title III funds to each planning and service area;
4. identification of the geographic boundaries of each planning and service area and of area agencies on aging;
5. prior federal fiscal year information related to low income minority and rural older individuals;
6. all assurances and provisions as outlined in the Older Americans Act and regulations, as well as the following assurances:
 - a. preference is given to older persons in greatest social or economic need in the provision of services under the plan;
 - b. procedures exist to ensure that all services under this part are provided without use of any means tests;
 - c. all services provided under Title III meet any existing state and local licensing, health and safety requirements for the provisions of those services;
 - d. older persons are provided opportunities to voluntarily contribute to the cost of services;
 - e. other such assurances as are needed for compliance with the Act, regulations, other applicable federal law, state statutes, and/or state policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:342 (April 1985), amended LR 12:366 (June 1986), LR 12:511 (August 1986), LR 13:569 (October 1987), LR 17:1207 (December 1991), LR 19:1317 (October 1993), LR 23:1146 (September 1997), LR 26:1610 (August 2000), LR 30:1695 (August 2004).

§1303. Development of the State Plan

A The state agency will develop a state plan according to the following:

1. elect to utilize a one-, two-, three-, or four-year format for the state plan;
2. develop a data profile on the older Louisianans from available census data;
3. conduct statewide needs assessment activities including, but not limited to, public hearings;
4. assurances for state and area agencies on aging as set forth by the Older Americans Act;
5. goals and objectives;
6. publicize public hearing(s) giving dates, times, locations to public officials and other interested parties for their participation;
7. conduct public hearings and incorporate written and verbal comments into the revised plan, as appropriate;
8. submit final revised plan for approval by the governor;
9. submit approved plan from the governor to the Administration on Aging Regional Office for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:342 (April 1985), amended LR 12:366 (June 1986), LR 12:511 (August 1986), LR 13:569 (October 1987), LR 15:263 (April 1989), LR 17:1207 (December 1991), LR 19:1317 (October 1993), LR 23:1146 (September 1997), LR 26:1611 (August 2000), LR 30:1696 (August 2004).

§1305. Intrastate Funding Formula

A. Intrastate Funding Formula

1. The following is a descriptive summary of the current Intrastate Funding Formula's assumptions and goals, and the application of the definitions of greatest economic or social need and a demonstration of the allocation of funds, pursuant to the formula, to each PSA.

2. Descriptive Statement

a. The current intrastate funding formula for the distribution of Older Americans Act Title III funds in Louisiana provides for a base allocation by parish. The following factors are considered in the distribution of funds remaining after base allocations are made: population aged 60 and over; population aged 60 and over below the Bureau of the Census poverty threshold; population aged 75 and over; and land area in square miles. Each of these factors is derived by dividing the planning and service area total by the state total.

b. Population aged 60 and over, and land area in square miles is assigned weights of one each. Population aged 60 and over below the Bureau of the Census poverty threshold is assigned a weight of nine-tenths. Population aged 75 and over is assigned a weight of one-tenth. The sum of these four factors is three.

c. Those elderly in greatest economic need are defined as persons aged 60 and older whose incomes are at or below the poverty threshold established by the Bureau of the Census. Those elderly in greatest social need are defined as persons aged 60 and over who have needs based on noneconomic factors such as social isolation caused by living in remote areas, or who are especially vulnerable due to the heightened possibility of frailty among elderly aged 75 and older. Other social needs are those, which restrict an elderly individual's ability to perform normal daily tasks, or which restrict his or her ability to live independently; they can be caused by racial or ethnic status, or language barriers. The intra-state funding formula accounts for these individuals by not allocating funds solely on the basis of population. The land area in square miles factor is included to compensate area agencies serving predominantly rural areas for the special problems encountered by sparse populations who may be spread over large geographical areas. The four funding factors combine to meet the special needs of socially and economically needy elderly, urban elderly and rural elderly.

d. The base funding allocation of \$12,000 per parish is established on the assumption that this amount represents a minimum allocation for the administration of Older Americans Act programs. There is an increasing need to provide a continuum of care for the very old (aged 75 and older) as this segment of the population gets larger each year. Funding limitations dictate that this group is given special emphasis.

3. Numerical Statement of the Intrastate Funding Formula

- a. Base Allocation per PSA: \$12,000 per parish
- b. Formula Allocation per PSA:

Factors	Weight
i. <u>PSA 60+Population</u> State 60+Population	1.0
ii. <u>PSA 60+Population below Poverty Threshold</u> State 60+Population below Poverty Threshold	0.9
iii. <u>PSA Land Mass in Square Miles</u> State Land Mass in Square Miles	1.0
iv. <u>PSA 75+Population</u> State 75+Population	<u>0.1</u>
v. Sum	3.0

4. PSA FORMULA = $\frac{(i) X 1 + (ii) X 0.9 + (iii) X 1 + (iv) X 0.1}{3}$

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:342 (April 1985), amended LR 12:366 (June 1986), LR 12:511 (August 1986), LR 13:569 (October 1987), LR 17:1207 (December 1991), LR 19:1317 (October 1993), LR 23:1146 (September 1997), LR 26:1611 (August 2000), LR 30:1696 (August 2004).

§1307. - §1323. Reserved.

Godfrey White
Executive Director

0408#069

RULE

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

**Durable Medical Equipment Program
Continuous Subcutaneous Insulin External Infusion Pumps
(LAC 50:XVII.1915-1919)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XVII.1915-1919 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 Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the authorization of continuous subcutaneous insulin external infusion pumps.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XVII. Durable Medical Equipment

Subpart 1. Prosthetics

Chapter 19. Diabetic Equipment and Supplies

Subchapter B. Continuous Subcutaneous Insulin External Infusion Pumps

§1915. Introduction

A. A continuous subcutaneous insulin external infusion pump is a portable, battery operated, insulin pump. It is about the size and weight of a small pager. The pump

delivers a continuous basal infusion of insulin. Insulin pumps can be automatically programmed for multiple basal rates over a 24-hour time period. This can be useful for such situations as nocturnal hypoglycemia and the dawn phenomenon. Before meals or at other times (e.g., hyperglycemia after unanticipated caloric intake), the pump can be set to deliver a bolus of insulin, similar to taking an injection of pre-meal regular insulin for someone using multiple daily injections.

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, Bureau of Health Services Financing, LR 30:1697 (August 2004).

§1917. Prior Authorization

A. Payment for a continuous subcutaneous insulin external infusion pump and related supplies will be authorized in the home setting, for treatment of Type I diabetes, when the following conditions are met.

1. The diabetes needs to be documented by a C-peptide level less than 0.5.

2. The pump must be ordered by and follow-up care of the patient must be managed by a physician who manages patients with continuous subcutaneous insulin infusion (CSII) and who works closely with a team including nurses, diabetes educators and dietitians who are knowledgeable in the use of CSII.

3. The patient:

a. has completed a comprehensive diabetes education program; and

b. has been on a program of multiple daily injections of insulin, (at least three injections per day), with frequent self-adjustments of insulin dose for at least six months prior to initiation of the insulin pump; and

c. has documented frequency of glucose self-testing an average of a least four times per day during the two months prior to initiation of the insulin pump; and

d. meets one or more of the following criteria while on the multiple daily injection regimen:

i. has a glycosylated hemoglobin level (HbA1c) greater than 7.0 percent;

ii. has a history of recurring hypoglycemia;

iii. has wide fluctuations in blood glucose before mealtime;

iv. has dawn phenomenon with fasting blood sugars frequently exceeding 200 mg/dl;

v. has a history of severe glycemic excursions.

B. Continuous subcutaneous insulin external infusion pumps shall be denied as not medically necessary and reasonable for all Type II diabetics including insulin-requiring Type II diabetics.

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, Bureau of Health Services Financing, LR 30:1697 (August 2004).

§1919. Reimbursement

A. The Health Care Common Procedure Coding System shall be used to bill for diabetic equipment and supplies. These products shall meet approved Medicare guidelines and codes. Claims for continuous subcutaneous insulin external infusion pumps shall be reimbursed the lesser of 5 percent

over the provider's actual cost or the provider's usual and customary charge, not to exceed \$5,745. Related diabetic supplies shall be reimbursed the lesser of 10 percent over the provider's actual cost or the provider's usual and customary charge.

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, Bureau of Health Services Financing, LR 30:1697 (August 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#091

RULE

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

Early Periodic Screening, Diagnosis and
Treatment Program KidMed Services
(LAC 50:XV.6701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adopts LAC 50:XV.6701 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 Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following procedures for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) KidMed Services in order to conform to HIPAA requirements.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 67. KIDMED

§6701. General Provisions

A. All providers of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) preventive screening services shall be required to submit information to the Medicaid Program regarding recipient immunizations, referrals and health status.

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 30:1698 (August 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#093

RULE

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

Experimental or Investigational
Medical Procedures or Devices
(LAC 50:I.303)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:I.303 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 Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the September 20, 1996 Rule governing the coverage of experimental or investigational medical procedures and devices.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 3. Experimental Procedures

§303. Coverage

A. Louisiana Medicaid does not cover any Federal Drug Administration (FDA) designated experimental or investigational medical procedures or devices until those procedures or devices have received final FDA approval or when a procedure or device is specifically approved for coverage by the Medicaid director.

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 30:1698 (August 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#094

RULE

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

Home and Community Based Services Waivers
(LAC 50:XXI.Chapter 81-89)

Editor' Note: This Rule is being repromulgated in codified form.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XXI. Home and Community Based Services

Waivers

Subpart 7. Elderly and Disabled Adults

Chapter 81. General Provisions

§8101. Introduction

A. This home and community based services waiver is targeted at persons who qualify for admission to a nursing

facility and are over age 65, or adults age 21 or over who are disabled according to Medicaid standards. It is called the Elderly and Disabled Adult (EDA) waiver. Services are provided under the provisions of the approved waiver agreement between the Centers for Medicare and Medicaid Services (CMS) and Medicaid of Louisiana.

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 19:1029 (August 1993), amended LR 24:42 (January 1998), repromulgated LR 30:1698 (August 2004).

§8103. Request for Services Registry

A. The Bureau of Community Supports and Services assumes the responsibility for the waiting list for the Elderly and Disabled Adult waiver and the 64 waiting lists is consolidated into a centralized statewide request for services registry arranged in order of the date of the initial request. The request for services registry shall be used to protect the individual's right to be evaluated for waiver eligibility. Persons who wish to be placed on the request for services registry shall contact a toll-free telephone number maintained by the Bureau of Community Supports and Services (BCSS). Those persons on the waiting lists prior to the date of the transfer of responsibility to BCSS shall remain on the request for services registry in the order of the date on record when the candidate initially requested to be evaluated for waiver 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 28:835 (April 2002), repromulgated LR 30:1699 (August 2004).

§8105. Programmatic Allocation of Waiver Slots

A. Each waiver slot may be filled only once during each waiver year. When funding becomes available for a new waiver slot or a slot that has been vacated in the previous waiver year, BCSS staff shall notify the next individual in order of request on the registry, in writing, that a slot is available and that they are next in line to be evaluated for possible waiver slot assignment. A case manager assists in the gathering of the documents needed for both the financial and medical certification eligibility process. The next person on the Registry is notified as stated above and the process continues until an eligible person is encountered. A waiver slot is assigned to an individual when eligibility is established and the individual is certified.

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 24:42 (January 1998), repromulgated LR 30:1699 (August 2004).

Chapter 83. Services

§8301. Service Definitions

A. The following services will be made available to participants in this waiver by employees of Personal Attendant Provider agencies in half-hour increments:

1. *Household Supports*—Services consisting of general household activities (meal preparation and routine household care) provided by a trained homemaker, when the individual regularly responsible for these activities is temporarily

absent or unable to manage the home and care for him or herself or others in the home.

2. *Personal Supervision (day)*—Nonmedical care, supervision and socialization, provided to a functionally impaired adult. Personal supervisors may assist or supervise the individual with such tasks as meal preparation, laundry and shopping, but do not perform these activities as discrete services as the household support worker does. The provision of this service does not entail hands-on nursing care.

3. *Personal Supervision (night)*—This type of supervision is to provide for the safety of individuals living alone who are limited in mobility or cognitive function to such an extent that they may not be able to preserve their own safety in dangerous situations.

4. *Personal Care Attendant*—Assistance with eating, bathing, dressing, personal hygiene, or activities of daily living.

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 24:42 (January 1998), repromulgated LR 30:1699 (August 2004).

§8303. Plan of Care

A. Reimbursement shall not be made for waiver services provided prior to BCSS approval of the CPOC.

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 24:42 (January 1998), repromulgated LR 30:1699 (August 2004).

Chapter 85. Admission and Discharge

§8501. Admission Criteria

A. Admission to this Waiver Program shall be determined in accordance with the following criteria.

1. initial and continued Medicaid eligibility as determined by the parish Bureau of Health Services Financing (BHSF) office;

2. initial and continued eligibility for a nursing facility level of care as determined by BCSS.

3. the plan of care must provide justification that the waiver services are appropriate, cost effective and represent the least restrictive treatment alternative for the individual; and

4. assurance that the health and safety of the individual can be maintained in the community with the provision of reasonable amounts of waiver services as determined by BCSS.

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 24:42 (January 1998), repromulgated LR 30:1699 (August 2004).

§8503. Discharge Criteria

A. Participants shall be discharged from this Waiver Program if one of the following criteria is met:

1. loss of Medicaid eligibility as determined by the BHSF parish Office;

2. loss of eligibility for a nursing facility level of care as determined by BCSS;

3. incarceration or placement under the jurisdiction of penal authorities, or courts;

4. change of residence to another state with the intent to become a resident of that state;

5. admission to a nursing facility or any other long term care institutional setting;

6. the health and welfare of the waiver participant cannot be assured in the community through the provision of amounts of waiver services within the cost cap as determined by BCSS, i.e., the waiver participant presents a danger to himself or others;

7. failure to cooperate in either the eligibility determination process or the performance of the comprehensive plan of care (CPOC); or

8. continuity of services is interrupted as a result of the participant not receiving waiver services during the allowable period specified in Subpart I, General Provisions. This does not include interruptions in services because of hospitalization.

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 24:42 (January 1998); amended LR 24:457 (March 1998), repromulgated LR 30:1699 (August 2004).

Chapter 87. Budget Analysis

§8701. Guarantee of Waiver Costs

A. In order to assure the cost effectiveness of this entire home and community based services waiver, each participant shall be limited to an array of services whose average cost per day shall not exceed a limit set by the Bureau. This figure shall be set annually at a percentage of the average costs borne by the Medicaid program for the equivalent population receiving nursing facility services, with an allowance for temporary, brief periods of excess costs in order to maintain a participant in the community.

B. Case managers shall complete a budget analysis form as part of each care plan which shall list:

1. the types and number of services necessary to maintain the waiver participant safely in the community;
2. the cost of services; and
3. the average cost per day covered by the CPOC.

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 24:42 (January 1998), repromulgated LR 30:1700 (August 2004).

Chapter 89. Provider Responsibilities

§8901. Reporting Requirements

A. Case managers and waiver service providers are obligated to report changes that could affect the waiver participant's eligibility, including but not limited to those changes cited in the discharge criteria, to either the parish BHSF office or BCSS within five working days. In addition, case managers and waiver service providers are responsible for documenting the occurrence of incidents or accidents that affect the health, safety and well-being of the waiver participant and completing an incident report. The incident report shall be submitted to BCSS within five working days of the incident.

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 24:42 (January 1998), repromulgated LR 30:1700 (August 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#034

RULE

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

Intermediate Care Facilities for the
Mentally Retarded Standards for Payment
(LAC 50:II.10333, 10349, and 10365)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:II.10333 and 10349, and adopts §10365 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 provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part II. Medical Assistance

Subpart 3. Standards for Payment

Chapter 103. Standards for Payment for Intermediate Care Facilities for the Mentally Retarded Subchapter D. Transfers and Discharges §10333. Involuntary Transfer or Discharge

A. Conditions. Involuntary transfer or discharge of a client may occur only under the following conditions:

1. the transfer or discharge is necessary for the client's welfare and the client's needs cannot be met in the facility;
2. the transfer or discharge is appropriate because the client's health has improved sufficiently, therefore, the client no longer needs the services provided by the facility;
3. the safety of individuals in the facility is endangered;
4. the health of individuals in the facility would otherwise be endangered;
5. the client has failed, after reasonable and appropriate notice, to pay for the portion of the bill for services for which he/she is liable or when the client loses financial eligibility for Medicaid. When a client becomes eligible for Medicaid after admission to a facility, the facility may charge the client only allowable charges under Medicaid; and
6. the facility ceases to operate.

B. When the facility proposes to transfer or discharge a client under any of the circumstances specified in Paragraphs A.1-5 above, the client's clinical records must be fully documented. The documentation must be made by the following:

1. the client's physician when transfer or discharge is necessary as specified in Paragraph A.1 or 2 as listed above; or
2. any physician when transfer or discharge is necessary as specified in Paragraph A.4 as listed above.

Before an interfacility transfer or discharge occurs the facility must:

a. notify the client of the transfer or discharge and the reason for the move. The notification shall be in writing and in a language and manner that the client understands. A copy of the notice must be placed in the client's clinical record and a copy transmitted to:

- i. the client;
- ii. a family member of the client, if known;
- iii. the client's legal representative and legal guardian, if known;
- iv. the Community Living Ombudsman Program;
- v. DHH, Health Standards Section;
- vi. the regional office of OCDD for assistance with the placement decision;

- vii. the client's physician;
- viii. appropriate educational authorities; and
- ix. a representative of the client's choice;

b. record the reasons in the client's clinical record;

c. a interdisciplinary team conference shall be conducted with the client, family member or legal representative and an appropriate agency representative to update the plan and develop discharge options that will provide reasonable assurances that the client will be transferred or discharged to a setting that can be expected to meet his/her needs.

3. the facility must issue the notice of transfer or discharge in writing at least 30 days before the resident is transferred or discharged, except under the circumstances described in Subparagraph a below.

a. Notice may be made as soon as practicable before transfer or discharge when:

- i. the safety of individuals in the facility would be endangered;
- ii. the health of individuals in the facility would be endangered;
- iii. the client's health improves sufficiently to allow a more immediate transfer or discharge; or
- iv. an immediate transfer or discharge is required by the client's urgent medical needs as determined by a physician.

b. Notice may be made at least 15 days before transfer or discharge in cases of nonpayment of a bill for cost of care.

c. The written notice must include:

- i. the reason for transfer or discharge;
- ii. the effective date of transfer or discharge;
- iii. the location to which the client is transferred or discharged;
- iv. an explanation of the client's right to have personal and/or third party representation at all stages of the transfer or discharge process;
- v. the address and telephone number of the Community Living Ombudsman Program;
- vi. the mailing address and telephone number of the agency responsible for the protection of individuals with developmental disabilities;
- vii. names of facility personnel available to assist the client and family in decision making and transfer arrangements;

viii. the date, time and place for the follow-up interdisciplinary team conference to make a final decision on the client's/legal representative's choice of new facility of alternative living arrangement;

ix. an explanation of the client's right to register a complaint with DHH within three days after the follow-up interdisciplinary team conference;

x. a statement regarding appeal rights that reads:

"You or someone acting on your behalf has the right to appeal the health facility's decision to discharge you. The written request for a hearing must be postmarked within 30 days after you receive this notice or prior to the effective date of the transfer or discharge. If you request a hearing, it will be held within 30 days after the facility notifies the Bureau of Appeals of the witnesses who shall testify at the discharge hearing as well as the documents that will be submitted as evidence. You will not be transferred/discharged from the facility until a decision on the appeal has been rendered;" and

xi. the name of the director, and the address, telephone number, and hours of operation of the Bureau of Appeals of the Louisiana Department of Health and Hospitals.

C. The facility shall provide all services required prior to discharge that are contained in the final update of the Individual Habilitation Plan and in the transfer or discharge plan.

D. The facility shall be responsible for keeping the client, whenever medical or other conditions warrant such action, for as long as necessary even if beyond the proposed date of transfer or discharge, except in emergency situations.

E. The facility shall provide transportation to the new residence unless other arrangements are preferred by the client/legal representative or the receiving facility.

F. Appeal of Transfer or Discharge. If the client appeals the transfer or discharge, the ICF/MR facility must permit the client to remain in the facility and must not transfer or discharge the client from the facility until the final appeal decision has been reached or a pre-hearing conference is held at the request of the facility. Failure to comply with these requirements will result in termination of the facility's provider agreement.

G. If nonpayment is the basis of a transfer or discharge, the client shall have the right to pay the balance owed to the facility up to the date of the transfer or discharge and then is entitled to remain in the facility.

H. If an ICF/MR client requests a hearing, the Louisiana Department of Health and Hospitals shall hold a hearing at the ICF/MR facility, or by telephone if agreed upon by the appellant, within 30 days from the date the appeal is filed with the Bureau of Appeals and witness and exhibit lists are submitted by the facility. The Louisiana Department of Health and Hospitals shall issue a decision within 30 days from the date of the client hearing. The ICF/MR facility must convince the department by a preponderance of the evidence that the transfer or discharge is justified. If the department determines that the transfer is appropriate and no appeal and/or pre-hearing conference has been lodged with the Bureau of Appeals, the client must not be required to leave the ICF/MR facility within 30 days after the client's receipt of the initial transfer or discharge notice unless an emergency exists.

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 Human Resources LR 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:690 (April 1999), LR 30:1700 (August 2004).

Subchapter G. Admission Review

§10349. Requirements for Certification

A. - A.11.e. ...

12. Inventory for Client and Agency Planning (ICAP) service score;

13. Level of Needs and Services (LONS) summary sheet.

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 Human Resources LR 13:578 (October 1987) and amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:698 (April 1999), LR 30:1702 (August 2004).

Subchapter H. Emergency Awareness

§10365. Disaster Preparedness

A. Written Plans. ICFs/MR shall have written procedures complete with instructions to be followed in the event of an internal or external disaster such as fire or other emergency actions, including:

1. specifications of evacuation routes and procedures;
 2. instructions for the care of injuries and/or casualties (client and personnel) arising from such disaster;
 3. procedures for the prompt transfer of records;
 4. instructions regarding methods of containing fire;
- and
5. procedures for notification of appropriate persons.

B. Employee Training. All ICF/MR employees shall be trained in disaster preparedness as part of employment orientation. The disaster preparedness training shall include orientation, ongoing training, and drills for all personnel. The purpose shall be that each employee promptly and correctly carry out his/her specific role in the event of a disaster. The facility shall periodically rehearse these procedures for disaster preparedness. The minimum requirements shall be drills once each quarter for each shift.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1702 (August 2004).

Implementation 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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#095

RULE

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

Medicaid Eligibility Incurred Medical Deductions - Medically Needy (LAC 50:III.939)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:III.939 in 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 2003-2004 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 Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH - MEDICAL ASSISTANCE

Part III. Eligibility

Chapter 9. Financial Eligibility

Subchapter D. Incurred Medical

§939. Medically Needy

A. The following criteria apply to all incurred medical expenses for medically needy.

1. Bills for necessary medical and remedial services furnished more than three months before the Medicaid application is filed will be excluded as an incurred expense. Current payments on excluded expenses will be allowed as an incurred expense.

2. The first budget period for the medically needy will begin the first month in the three-month period prior to the date of application in which the applicant received covered 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 30:1702 (August 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0408#092

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

Quarterly Submissions (LAC 42:III.110)

The Louisiana Gaming Control Board hereby adopts amendments to LAC 42: III.110, 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 III. Gaming Control Board

Chapter 1. General Provisions

§110. Quarterly Submissions

A. ...

B. The licensee will certify quarterly under oath that a good faith effort to meet the voluntary procurement and employment conditions is being made, and shall quarterly demonstrate to the board that an effort was made to meet the conditions. The quarterly statement shall be forwarded to the board no later than 20 days after the end of each quarter.

C. Each licensee authorized to conduct slot machine gaming at an eligible facility pursuant to the provisions of Chapter 7 of the Louisiana Gaming Control Law shall submit to the board on a quarterly basis a statement of compliance with the provisions of R.S. 27:363(C) and shall certify under oath that a good faith effort to comply with the provisions of R.S. 27:363(C) is being made. The quarterly statement shall be forwarded to the board no later than 20 days after the end of each quarter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:304 (March 1997), amended LR 30:1703 (August 2004).

H. Charles Gaudin
Chairman

0408#037

RULE

**Department of Social Services
Office of Community Services**

Safe Haven Relinquishment (LAC 67:V.1505)

The Department of Social Services, Office of Community Services, has amended the Rule entitled "Relinquishment of Newborns" for the implementation of the provisions of Title XI of the Louisiana Children's Code. This Rule is mandated by Article 1160 of the Louisiana Children's Code.

**Title 67
SOCIAL SERVICES**

Part V. Community Services

Subpart 3. Child Protective Services

Chapter 15. Conducting Investigations in Families

§1505. Safe Haven Relinquishment

A. The Department of Social Services, Office of Community Services, establishes procedures for implementation of Title XI, Safe Haven Relinquishment, Chapter 13, Safe Haven Relinquishment, of the Louisiana

Children's Code, as a collaborative effort with community agencies.

1. Prevent Child Abuse Louisiana will provide a toll free line available for parents who have relinquished a child and want to contact the Office of Community Services as well as for the public to inquire about Safe Haven Relinquishment.

2. The Office of Community Services, the Department of Health and Hospitals, and community agencies will collaborate to identify facilities meeting the legal definition of a designated emergency care facility, develop and distribute the written notification to such facilities regarding the provisions of the statute, develop and distribute written information and training materials for facilities to use for the instruction of their staff designated to receive relinquished children and interview parents, develop and distribute information materials to use to increase public awareness regarding Safe Haven Relinquishment, and develop and distribute the notification to hospitals of the requirements of the medical evaluation and testing of a relinquished infant.

3. The Office of Community Services will work with community agencies to develop and distribute the card for designated emergency care facilities to give to relinquishing parents as required by Article 1152.

B. The initial agency response to notification of a safe haven relinquishment will be within the Child Protection Investigation Program.

1. A report that a newborn has been relinquished at a designated emergency care facility will be accepted as a report of child abuse/neglect and immediately assigned to a Child Protection Investigation worker. The worker will respond to secure the safety of the child and obtain immediate medical care if the child is at a location other than a medical facility able to provide the child with immediate medical care, unless medical care has already been secured by the emergency care facility.

2. The worker will contact the appropriate court with juvenile jurisdiction and request an instanter order placing the child in the custody of the Department of Social Services as a child in need of care.

3. The worker will contact local law enforcement agencies to request their assistance to determine if the relinquished child may have been reported missing. The agency will also contact the national registry for missing and exploited children to determine if the child has been reported missing to that registry.

C. Any relinquishing or non-relinquishing parent contacting the Office of Community Services will be asked to voluntarily provide information as well as be informed of their rights as per Article 1152.

D. Once the infant has received the required medical examination and testing and any other necessary medical care, and has been discharged from the medical facility providing emergency and/or other medical care, Office of Community Services will place the child in the foster/adoptive home that can best provide for his needs. Efforts for the continuance of custody as a child in need of care and the procedure for a termination of parental rights will begin immediately and proceed in accordance with the provisions of Titles VI, Child in Need of Care, and XI, Safe Haven Relinquishment. The child will receive services through the Office of Community Services Foster Care and

Adoption Programs until the parental rights are terminated and an adoption is finalized or the mother and/or father establish parental rights.

AUTHORITY NOTE: Promulgated in accordance with Article 1705 of the Louisiana Children's Code, Title XVII, Relinquishment of Newborns and Title XI, Safe Haven Relinquishments.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:2826 (December 2000), amended LR 30:915 (April 2004), amended LR 30:1703 (August 2004).

Ann S. Williamson
Secretary

0408#066

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Professional Engineers and Land Surveyors
(LAC 46:LXI.Chapters 1 and 7-33)

Under the authority of the Louisiana Professional Engineering and Land Surveying Licensure Law, R.S. 37:681 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Professional Engineering and Land Surveying Board has amended its Rules contained in LAC 46:LXI.Chapters 1 through 33.

The amendments are primarily housekeeping revisions of existing board Rules and were necessitated by the passage of Acts 2003, No. 279, which were housekeeping revisions of the Professional Engineering and Land Surveying Licensure Law, R.S. 37:681 et seq. By virtue of these amendments, the following sections of the existing board Rules are being repealed: §§1903 through 1911.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 1. General Provisions

§101. Evidence of Qualification; Licensure

A. In order to safeguard life, health and property, and to promote the public welfare, any individual in either public or private capacity, or foreign or domestic firm, practicing or offering to practice professional engineering or professional land surveying, shall be required to submit evidence that he/she is qualified to so practice and shall be licensed with the board. Unless specifically exempted by law, it shall be unlawful for any person to practice or to offer to practice in this state, engineering or land surveying, as defined in the licensure law and the rules of the board, or to use in connection with his/her name or otherwise assume, use or advertise any title or description tending to convey the impression that he/she is a professional engineer or a professional land surveyor, unless such person has been duly licensed under the provisions of the licensure law and the rules of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:643 (December 1981), amended by the Department of Transportation and

Development, Professional Engineering and Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004).

§103. Rulemaking

A. Under the provisions of R.S. 37:688, the board has the authority to make, adopt, alter, amend, and promulgate rules consistent with the constitution and laws of this state. This is necessary for the proper performance of the duties of the board and the regulations of the proceedings before it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:643 (December 1981), amended amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004).

§105. Definitions

A. The words and phrases defined in R.S. 37:682 shall apply to these rules. In addition, the following words and phrases shall have the following meanings, unless the content of the rules clearly states otherwise.

Accredited Engineering Curriculum—A curriculum approved by the EAC/ABET or an equivalent accrediting agency as an engineering academic program that satisfies the academic requirements for the practice of engineering at the professional level.

Act or Licensure Law—R.S. 37:681-37:703, including any amendments thereto. This law empowers the board to regulate the practice of engineering and land surveying in the state of Louisiana.

Benefits of Any Substantial Nature or Significant Gratuity—As used in the rules of professional conduct, shall mean any acts, articles, money or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receivers, or otherwise compromise their ability to exercise their own judgment, without regard to such benefit or gratuity.

Bona Fide Employee—An individual in the service of a licensee under a contract of hire, expressed or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed and the employer pays wages or a salary directly to the employee, pays a share of social security and federal unemployment tax, withholds federal income tax and the employee's share of social security payments, provides training, furnishes tools and materials, and sets hours of work. Generally such employees work full time for the employer, perform work at a location assigned by the employer and do not offer their services to the general public.

Bona Fide Established Commercial Marketing Agency—A business which is specifically devoted to public relations, advertising and promoting the services of a client, and which may be appropriately licensed as required by state statutes.

EAC/ABET—the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

Employees—for purposes of R.S. 37:701(C) only, shall mean:

a. any and all individuals to or for whom a firm engaged in industrial operations pays salary or other compensation, withholds taxes, provides benefits or pays

workers' compensation and/or liability insurance, including without limitation all individuals covered by the definition of *bona fide employee* as set forth in the rules of the board; or

b. any and all individuals whose conduct a firm engaged in industrial operations has the right to control, including the right to hire, fire or directly supervise, the right to set the individual's work schedule and job duties, or the right to set the terms and conditions of employment, including without limitation individuals supplied through an employment agency or consultant firm.

Firm Can a domestic or foreign firm, partnership, association, cooperative, venture, corporation, limited liability company, limited liability partnership, or other entity.

Fraud, Deceit or Misrepresentation Intentional deception to secure gain, through attempts to deliberately conceal, mislead, or misrepresent the truth with the intent to have others take some action relying thereupon, or any act which provides incorrect, false, or misleading information, upon which others might rely.

Gross Incompetence As used in R.S. 37:698(A)(2), shall mean the practice of engineering or land surveying by a licensee who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duty he/she undertakes. (The practice of engineering in an area other than that in which the licensee has been issued a license will not be considered as evidence of gross incompetence, provided the licensee is otherwise qualified by education or experience.) Examples of practice which the board may consider to constitute gross incompetence include but are not limited to:

a. the undertaking of assignments other than those for which the licensee is qualified by education or experience in the specific technical fields involved; or

b. the affixing of the licensee's signature or seal to any engineering or land surveying plan or document dealing with the subject matter in which the licensee lacks competence by virtue of education or experience.

Gross Misconduct As used in R.S. 37:698(A)(2), shall mean the practice of engineering or land surveying by a licensee who performs any acts, causes any omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the professions of engineering or land surveying. Gross misconduct as used herein shall also include any act or practice in violation of the board's rules of professional conduct or use of seals.

Gross Negligence As used in R.S. 37:698(A)(2), shall mean the practice of engineering or land surveying by a licensee characterized by the licensee's lack of reasonable care, precaution, or attention to the health, safety, or welfare of others, which could result in injury or damage to life or property or financial loss. Examples of practice which the board may consider to constitute gross negligence include, but are not limited to:

a. the preparation of an incomplete or inaccurate engineering or land surveying plan or document that is below acceptable standards, which is released for construction or other lawful purposes, and which could result in financial loss, damage or injury; or

b. failure of the licensee to exercise reasonable diligence and care in providing professional services, which could result in financial loss, damage or injury.

NCEES Model Law Engineer Can an individual who meets the minimum requirements of licensure law and:

a. is a graduate of an engineering curriculum accredited by EAC/ABET, or the equivalent;

b. has passed the fundamentals of engineering examination using the NCEES cut score;

c. has a specific record of an additional four years of progressive experience on engineering projects following graduation;

d. has passed the principles and practice of engineering examination using the NCEES cut score; and

e. has a current NCEES record on file.

NCEES Model Law Surveyor Can an individual who meets the minimum requirements of this act and is a graduate of an EAC/ABET engineering curriculum, RAC/ABET curriculum, or the equivalent.

Person Can an individual or firm.

Practice of Engineering

a. practice of engineering is defined in R.S. 37:682. The board recognizes in the design of buildings and similar structures that there is overlap between the work of architects and engineers. It is recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in some activities properly classifiable as professional engineering insofar as it is necessarily incidental to his/her work as an architect. Likewise, it is recognized that the professional engineer who has complied with all of the current laws of Louisiana and is properly licensed has the right to engage in some activities properly classifiable as architecture insofar as it is necessarily incidental to his/her work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all the laws or ordinances relating to the designs or projects in which he/she may be engaged;

b. teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of engineering. Associate professors and those of higher rank teaching engineering design courses who were employed by a college or university in the state of Louisiana on January 1, 1991, or thereafter, shall be professional engineers licensed by the Louisiana board. Such professors who become employed on or after January 1, 1991 shall have a period of two years in which to become licensed. The associate professors and those of higher rank teaching engineering design courses in the employ of a college or university in the state of Louisiana prior to January 1, 1991 are exempt from professional engineering licensure as long as they remain in continuous employment by a college or school of engineering in the state of Louisiana. Those persons who are exempt from professional engineering licensure are exempt only for the purpose of the teaching of engineering design and may not present themselves to the public as engineers or professional engineers or provide or offer to provide engineering services as defined by R.S. 37:682.

Practice of Land Surveying defined in R.S. 37:682.

The board recognizes that there exists a close relationship between land surveying and some areas of engineering, with some activities common to both professions; however, survey work related to property boundaries must be performed under the responsible charge of a professional land surveyor. Presented below are guidelines which shall be used as an aid in determining the types of surveying services which may be rendered by professional land surveyors or professional engineers.

a. Surveying and mapping functions which require the establishment of relationships to property ownership boundaries are unique to land surveying and must be performed by or under the responsible charge of a professional land surveyor. These functions include:

- i. boundary surveys;
- ii. subdivision surveys and plats;
- iii. public land surveys.

b. Surveying and mapping functions not unique to land surveying must be performed by or under the responsible charge of a professional land surveyor whenever they require the establishment of the relationship of property ownership boundaries. Those functions include:

i. surveys of servitudes (easements) and rights of way;

- ii. surveys of leases;
- iii. topographical surveys;
- iv. surveys for record;
- v. layout surveys for construction;
- vi. hydrographic surveys;
- vii. mine surveys;
- viii. mapping.

c. Surveying and mapping functions which do not require the establishment of the relationship of property ownership boundaries may be performed by or under the responsible charge of either a professional engineer or a professional land surveyor. Such surveying and mapping functions include:

i. surveys of servitudes (easements) and rights of way;

- ii. surveys of leases;
- iii. topographical surveys;
- iv. surveys for record drawing;
- v. layout surveys for construction;
- vi. hydrographic surveys;
- vii. mine surveys;
- viii. mapping;
- ix. geodetic surveys;
- x. cartographic surveys;
- xi. horizontal and vertical control surveys;
- xii. quantity and measurement surveys;
- xiii. profiles and cross sections;
- xiv. site grading plans.

d. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the responsible charge of a professional engineer.

Responsible Charge defined in R.S. 37:682. It shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.

Seal a symbol, image, or list of information that may be found in the form of a rubber stamp, computer generated data, or other form found acceptable to the board this is applied or attached to the document in a manner consistent with the board rules on use of seals.

Signature handwritten or digital as follows:

a. a handwritten message identification containing the name of the person who applied it; or

b. a digital signature which is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be:

- i. unique to the person using it;
- ii. capable of verification;
- iii. under the sole control of the person using it;

and

iv. linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed; or

c. A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in Subsection b of this definition.

Under the Responsible Charge of a Professional Engineer as it applies in R.S. 37:701(C) only, shall mean:

a. the work performed by a professional engineer, duly licensed under the provisions of this Chapter; or

b. the work reviewed and approved by a professional engineer, duly licensed under the provisions of this Chapter, who is authorized to direct changes to the engineering work; or

c. the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Surveyors, LR 4:298 (August 1978), amended LR 5:110 (May 1979), LR 7:643 (December 1981), LR 14:449 (July 1988), LR 16:772 (September 1990), LR 17:804 (August 1991), LR 20:901 (August 1994), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004).

Chapter 7. Bylaws

§701. Board Nominations

A. The following guidelines and procedures will be observed in order that timely and prudent advice can be given to the Louisiana Engineering Society and the Louisiana Society of Professional Surveyors with regard to nominees for vacancies on the board.

B. The division of engineering practice classification of each board member shall remain unchanged during each administrative year.

1. Professional engineer board members shall continue to represent the practice area of engineering for which appointed, unless formal advice has been received from the Louisiana Engineering Society that the practice area of engineering classification of a member has been changed.

2. Board members who retire from active practice shall continue to represent the practice area of engineering for which appointed and currently serving at the time of retirement.

3. If a board member is not a member of the Louisiana Engineering Society or the Louisiana Society of Professional Surveyors, it shall be his duty to notify the executive secretary of any significant change in his regular employment; the executive secretary shall so advise the Louisiana Engineering Society or the Louisiana Society of Professional Surveyors for its action.

C. An examination will be made of the anticipated vacancies scheduled to occur during each new administrative year because of expiration of terms of appointment, as published in the roster, and the appropriate nominating organization shall be soon notified, along with the official interpretation of the practice areas of engineering represented, as well as a priority listing of the desired practice areas requested to be considered.

D. In the event of death or resignation of a board member, the executive secretary shall immediately notify the appropriate nominating organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:298 (August 1978), amended LR 5:120 (May 1979), LR 11:1179 (December 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1023 (July 2001), LR 30:1706 (August 2004).

§703. Compensation and Expenses

A. Authority to Incur Traveling Expenses

1. The board shall allow its members actual traveling expenses plus per diem to attend regular, special and committee meetings of the board. Per diem for the time spent traveling and for time spent at the meeting shall be allowed. The per diem allowance for time spent traveling shall not exceed two days for these meetings.

2. The board may, by resolution at one of its meetings, authorize any of its members or representatives to travel at the expense of the board to attend meetings and conventions such as those of the National Council of Examiners for Engineering and Surveying (NCEES), the Accreditation Board for Engineering and Technology (ABET), or other allied organizations. Per diem for time spent traveling and for time spent at the meeting will be allowed.

B. Reimbursement of Transportation Expenses

1. Expenses for transportation by personally owned vehicles shall be reimbursed at the mileage rate specified by the board at a regular meeting. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all of the operating expenses of the vehicle.

2. Air travel will be by coach or economy class rates when available. Travel by state plane is also permitted. Reimbursement will be limited to comparable coach or economy class rates. Receipts or other verification of travel shall be attached to the expense report. Reimbursement will be on the basis of the most direct route available. Air travel by private aircraft may be approved by the board. When so approved, reimbursement will be on the basis of coach airfare.

C. Lodging and Meals. The board shall allow its members to be reimbursed actual expenses for meals (including tips) and for lodging at a single occupancy rate.

Receipts for lodging shall be submitted and attached to the travel voucher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:58 (February 1976), amended LR 5:110 (May 1979), LR 11:1182 (December 1985), LR 19:55 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004).

§705. Meetings

A. Regular Meetings. The board shall hold at least four regular meetings each year.

B. Annual Meetings. The first regular meeting of the fiscal year is to be held in July, and shall be designated as the annual meeting.

C. Special Meetings. The chairman or the secretary may call special meetings when considered necessary. Upon written request of six board members, the chairman is required to call a special meeting.

D. Open Meetings. Every meeting of the board shall be open to the public, unless closed as an executive session.

E. Meeting Dates. Written public notice of the dates, times, and places of all regular meetings shall be given at the beginning of each fiscal year.

F. Separate Notice of All Meetings. In addition, separate written, public notice of any regular, special, or rescheduled meeting shall be given no later than 24 hours before the holding of the meeting. This separate notice shall include the agenda, date, time and place of the meeting.

G. Posting of Notice. The public notice discussed in §705.E and F shall include:

1. posting a copy of the notice at the office of the board; or

2. publication of the notice in the board newsletter no less than 24 hours before the meeting.

H. Notice to Board Members. Notice of all meetings, in conformity with §705.E and F shall be given in writing to each member by the secretary.

I. Quorum. A simple majority of board members shall constitute a quorum for the transaction of business.

J. *Roberts Rules of Order*. *Roberts Rules of Order* shall govern the proceedings of the board at all meetings, except as otherwise provided herein or by statute.

K. Location of Meetings. All meetings shall be held at the board office, unless, in the judgment of the chairman, it is necessary or convenient to meet elsewhere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:118 (May 1979), amended LR 11:1181 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004).

§707. Board Organization

A. Number of Board Members. The board shall be comprised of 11 members, each of whom shall be appointed by the governor in accordance with the requirements established by law.

B. Board Officers. The board shall elect annually from its membership the following officers: a chairman, a vice chairman, a secretary, and a treasurer.

C. Date of Elections. The election of board officers shall take place not later than at the board's May meeting. In the event that an officer cannot complete his/her term, an election in order to fill the unexpired term shall be scheduled at the earliest practical regular or special meeting.

D. Duties

1. Chairman. The chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the secretary, sign all certificates issued by the board. The chairman shall compile the agenda for each regular and special meeting.

2. Vice Chairman. The vice chairman shall, in the absence of the chairman, perform the duties of and possess all of the powers of the chairman. Should the chairman's membership on the board be terminated prior to the election of his/her successor, the vice chairman shall automatically assume the duties of chairman until the board is re-organized.

3. Secretary. The secretary shall:

a. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;

b. sign, with the chairman, certificates of licensure, the issuance of which shall have been authorized by resolution of the board;

c. assume all responsibilities of the executive secretary, in the event of the absence or incapacity of the executive secretary;

d. sign the minutes of the board meetings after approval of the minutes by the board.

4. Treasurer. The treasurer shall be responsible for the annual budget and the annual audit of the board. He/she shall send copies of the annual audit and the financial statement to the governor after the report of the audit has been reviewed by the board. The treasurer, with the approval of the chairman, shall be empowered to authorize expenditures of funds, in the beneficial interest of the board and without its prior approval, up to an aggregated amount of \$5,000 (within the current budget), and any expenditures made under this authorization shall be reported to and ratified by the board at its next regular meeting.

E. Committees. The board may establish standing committees, including but not limited to the following: Executive Committee, Civil Engineering Committee, Other Disciplines Engineering Committee, Land Surveying Committee, Engineer Intern Committee, Liaison and Law Review Committee, Education/Accreditation Committee, Finance Committee, Nominations and Awards Committee, Complaint Review Committee, Continuing Professional Development Committee, and Architect-Engineer Liaison Committee. The board may also establish ad hoc committees from time to time as necessary.

1. Power to Appoint. Unless otherwise provided below, the chairman of the board shall have the power to make all committee appointments. All committee appointments shall be effective from date of appointment until the next annual meeting of the board.

2. Executive Committee. The chairman, vice chairman, secretary, and treasurer shall constitute the Executive Committee. The chairman of the board shall serve as chairman of the Executive Committee. The Executive Committee shall oversee the operations of the office of the board and shall advise the executive secretary as to the conduct of the business of the board between meetings. The Executive Committee shall make recommendations to the board with respect to personnel, policies and procedures.

3. Engineering Committees

a. The chairman of the board may appoint one or more engineering committees, with not less than two members on each committee.

b. Each of these committees shall:

i. review applications for licensure in each respective discipline of professional engineering; and

ii. recommend approval or disapproval of applications.

4. Land Surveying Committee. The chairman of the board may appoint not less than two members to the Land Surveying Committee. All members of the Land Surveying Committee shall be professional land surveyors. The Land Surveying Committee shall:

a. review applications for licensure as a professional land surveyor;

b. review applications for certification as a land surveyor intern;

c. conduct oral examinations or interviews;

d. supervise the selection of examinations on the Louisiana laws of land surveying; and

e. recommend passing scores for the written examinations on the Louisiana laws of land surveying.

5. Engineer Intern Committee. The chairman of the board may appoint an Engineer Intern Committee which shall review, as necessary, all applications for the examination in fundamental engineering subjects and all requests for certification of individuals as engineer interns and shall make recommendations for action by the board.

6. Liaison and Law Review Committee. The chairman of the board may appoint a Liaison and Law Review Committee to work with similar committees of professional and technical organizations on matters of mutual concern. The committee shall make recommendations to the board in matters concerned with the licensure law and the rules and regulations of the board.

7. Education/Accreditation Committee. The chairman of the board may appoint an Education/Accreditation Committee to evaluate and make recommendations to the board concerning the quality of the engineering and land surveying curricula, along with evaluation of the faculties and facilities of schools within the state of Louisiana. The Education/Accreditation Committee shall have the power to make inspections in the course of its evaluations. The committee chairman shall coordinate the selection of board observers for all ABET visitations in the state.

8. Finance Committee. The chairman of the board may appoint a Finance Committee composed of not less than two board members. The treasurer will serve as the chairman of this committee. It will be the responsibility of the committee to make studies, reports and recommendations to the board on fiscal matters. At the end of the fiscal year, the

Finance Committee shall review the annual audit and prepare a budget for presentation to the board at the September meeting.

9. Nominations and Awards Committee. The chairman of the board may appoint a Nominations and Awards Committee composed of not less than two members. It shall be the duty of this committee to present to the board a list of nominations for election of officers and for any applicable awards.

10. Complaint Review Committee. The Complaint Review Committee may be composed of two standing members (the executive secretary or deputy executive secretary and the board attorney) and one board member appointed on a case-by-case basis. It shall be the responsibility of the committee to review the results of investigations against licensees, certificate holders and unlicensed persons and recommend appropriate action to the board.

11. Continuing Professional Development Committee. The chairman of the board may appoint a Continuing Professional Development Committee composed of not less than two members. It shall be the duty of this committee to review and make recommendations to the board regarding continuing professional development rules, policy and providers/sponsors.

12. Architect-Engineer Liaison Committee. The chairman of the board may appoint an Architect-Engineer Liaison Committee composed of not less than two members. It shall be the duty of this committee to coordinate and discuss issues of mutual interest between this board and the State Board of Architectural Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:110 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1024 (July 2001), LR 30:1707 (August 2004).

§709. Executive Secretary

A. Appointment. The board shall appoint an executive secretary, who shall assist the board members in the performance of their duties.

B. Ex-Officio Committee Member. Although not a member of the board, the executive secretary shall be an ex-officio member of all committees.

C. Duties of the Executive Secretary. The executive secretary shall:

1. conduct and care for all correspondence in the name of the board;
2. record and file all applications, examinations, licensure, certifications, suspensions, revocations and disciplinary and enforcement actions;
3. send members of the board notices of all regular meetings at least 10 days in advance thereof;
4. keep correct minutes of all meetings of the board, including a record of all certificates and licenses issued;
5. examine all applications for licensure and certification and bring about the necessary correction or supplying of missing or essential data in connection with such applications prior to consideration thereof by the board;

6. address inquiries to references to verify the qualifications, experience and character of applicants as directed by the board;

7. make arrangements as required by the board for all written or oral examinations and interviews of applicants;

8. supervise the administration of the written examinations;

9. present to the board the results of examinations and other evidence of qualification;

10. have certificates prepared for those applicants who have been approved for licensure or certification by the board;

11. notify by letter to the last known address, every person and entity licensed or certified under the licensure laws of the date of the expiration of the license or certificate and the amount of the fee that shall be required for its renewal;

12. develop procedures and internal policies for all administrative functions;

13. employ and supervise the work of all investigators and secretarial, stenographic, clerical, and technical assistants essential to the work of the board, but only on approval of the executive committee and in accordance with the provisions of the licensure law;

14. investigate and dispose of allegations and apparent violations of the licensure law when possible and refer any such matters requiring formal action to the board;

15. assist the board in the adoption and amendment of rules and bylaws in accordance with the statutes;

16. represent the board at meetings of technical and professional societies and appear before student groups and legislative committee meetings;

17. write articles for publication to inform licensees, certificate holders and the public of activities and actions of the board;

18. be an associate member of the National Council of Examiners for Engineering and Surveying (NCEES);

19. assist the finance committee in the preparation of the budget;

20. assist in ensuring that expenditures are within the budget;

21. receive and account for all monies derived from the operation of the board;

22. comply with R.S. 37:690 in all matters relating to receipts and disbursements;

23. audit all bills and accounts covering expenditures and prepare all vouchers and checks for payment of approved bills;

24. keep a register of receipts and expenditures, maintaining such financial books, and show the financial condition of the board and the validity of the licenses and of the certificates which have been issued; and

25. assist in the legislative audit made of all receipts and disbursements at the close of each fiscal year (June 30) by a certified public accountant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and

Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004).

§711. Domicile

A. Domicile. The domicile of the board shall be the city of Baton Rouge, Louisiana.

B. Change of Domicile. The board may vote to change its domicile.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:117 (May 1979), amended LR 11:1179 (December 1985), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004).

§713. Amendments to Bylaws

A. The bylaws of the board may be amended at any regular or special meeting, provided, however, that such proposed amendments have been submitted in writing to the members of the board at least 30 days prior to the meeting. The board may waive this 30-day provision at a regular meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:54 (February 1976), amended LR 5:119 (May 1979), LR 11:1183 (December 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004).

§715. Rulemaking Process

A. Power to Promulgate Rules. Under the provision of the licensure law, the board is given the power to make and promulgate rules and regulations necessary for the proper performance of its duties.

B. Proposal of Rule Change. Any board member may propose the adoption of a new rule or regulation, or the amendment or revocation of an existing rule or regulation.

C. Requirements of Proposal. Such proposal shall:

1. be in writing;
2. include a draft of the requested change or changes; and
3. be sent to the chairman and the executive secretary at least 30 days before the next regular meeting of the board.

D. Copies of Proposal. The executive secretary shall send copies of the proposal to all board members at least 10 days before the next regular meeting of the board.

E. Notice of Proposal. The chairman shall place the proposed change, amendment, or revocation on the agenda for the next regular meeting scheduled after receipt of the proposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:54 (February 1976), amended LR 5:119 (May 1979), LR 11:1182 (December 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1026 (July 2001) LR 30:1710 (August 2004).

§717. Disbursements

A. Check Requirement. All disbursements over the amount of \$150 shall be made by check or approved electronic fund transfer.

B. Line Item Restrictions. Annual disbursements shall not exceed current budget line items.

C. Required Signatures on Checks. All checks must be signed by any two of the following individuals:

1. treasurer;
2. executive secretary;
3. deputy executive secretary; or
4. any board member as directed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:58 (February 1976), amended LR 5:119 (May 1979), LR 11:1182 (December 1985), LR 21:1355 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004).

§719. Minutes

A. Requirement of Keeping Minutes. The board shall keep written minutes of all of its open meetings.

B. Required Items for Inclusion. The minutes shall include, but need not be limited to:

1. the date, time, and place of the meeting;
2. the members of the board recorded as either present or absent; and
3. the substance of all matters decided, and, at the request of any board member, a record, by individual member, of any votes taken.

C. Optional Items for Inclusion. Any board member may request that a matter discussed during a meeting be placed in the written minutes of that meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 11:1181 (December 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004).

§721. Publications of the Board

A. Roster. A roster showing the names and addresses of all professional engineers, the discipline of engineering in which professional engineers are listed, the names and addresses of all professional land surveyors, and the names and addresses of all engineer interns and land surveyor interns may be published by the board. A roster of firms may also be published by the board. The rosters may be made available through the board's website.

B. Official Journal. The official journal of the board shall be selected by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:55 (February 1976), amended LR 5:119 (May 1979), LR 11:1182 (December 1985), LR 19:55 (January 1993), LR 21:1355 (December 1995), amended by the Department of Transportation and Development,

Professional Engineering and Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004).

§723. Voting

A. General Provisions. Unless otherwise specified in the following Subsections a simple majority of a quorum of the board at a meeting properly noticed and convened is necessary in order to elect an officer or approve a measure before the board.

B. Change of Domicile. In order to change the domicile of the board, approval of two-thirds of the entire board at a regular meeting properly noticed and convened is necessary.

C. Executive Session and Agenda Additions. Approval of two-thirds of a quorum of the board at a meeting properly noticed and convened is necessary in order to:

1. decide to hold an executive session; or
2. consider a matter not on the original agenda of the meeting.

D. Approval of Items Added to Agenda. If two or more board members present at a regular or special meeting are agreed to defer action of a matter not on the original agenda of the meeting that matter shall not be approved, and shall be placed on the original agenda of the next scheduled meeting.

E. Disciplinary and Enforcement Proceedings. Approval of a majority of the entire board membership authorized to participate in a proceeding is necessary in order to take disciplinary or enforcement action.

F. Amend Bylaws. A majority vote of the entire board is necessary in order to amend the bylaws.

G. Waiver of Bylaw Amendment Requirements. By a unanimous vote of the board members present at a regular or special meeting, the 30-day provision for submission of proposed bylaw amendments may be waived.

H. Manner of Voting. Voting shall be conducted in the following manner:

1. no proxy voting or secret balloting shall be permitted;
2. all votes shall be viva voce; and
3. votes on motions to hold an executive session (along with the reason for holding the session) shall be recorded and entered into the minutes of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 11:1182 (December 1985), amended LR 19:55 (January 1993), LR 21:1355 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1027 (July 2001), LR 30:1711 (August 2004).

§725. Executive Session

A. Reasons for Calling Executive Sessions. Executive sessions may be held for the following purposes:

1. discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting;
2. strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the board;

3. discussion regarding the report, development or course of action regarding security personnel, plans or devices;

4. investigative proceedings regarding allegations of misconduct; or

5. cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

B. Limitations on Executive Sessions. No final or binding action shall be taken during an executive session; nor may a session be called for discussion of the appointment of a person to a public body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 11:1181 (December 1985), LR 19:55 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1027 (July 2001), LR 30:1711 (August 2004).

Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering

§901. Engineer Intern Certification

A. The requirements for certification as an engineer intern under the several alternatives provided in the licensure law are as follows.

1. Graduates of an Accredited Engineering Curriculum. The applicant shall be a graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written examination in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board at a regular meeting.

2. Graduates with Advanced Engineering Degree. The applicant shall be a graduate of a non-EAC/ABET accredited engineering or related science or engineering technology curriculum of four years or more approved by the board as being of satisfactory standing, who has obtained an engineering graduate degree in an engineering discipline or sub-discipline from a university having an undergraduate accredited engineering curriculum in the same discipline or sub-discipline, approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written examination in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who

was duly certified as an engineer intern by the board at a regular meeting.

3. Other Non-EAC/ABET Engineering Graduates. The applicant shall be a graduate of a non-EAC/ABET accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who has a specific record of four years or more of verifiable progressive experience obtained subsequent to graduation, on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the written examination in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, and having a personal knowledge of his engineering experience, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board at a regular meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1027 (July 2001), LR 30:1711(August 2004).

§903. Professional Engineer Licensure

A. The requirements for licensure as a professional engineer under the two alternatives provided in the licensure law are as follows:

1. the applicant for licensure as a professional engineer shall be an engineer intern, or an individual who meets the qualifications to be an engineer intern, who has a verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the written examination in the principles and practice in the discipline of engineering in which licensure is sought, who was recommended for licensure by five personal references, three of whom are professional engineers who have personal knowledge of the applicant's engineering experience and character and ability, and who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board at a regular meeting; or

2. the applicant for licensure as a professional engineer shall be an individual who holds a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, and which were of a standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has submitted an application for licensure in accordance with the requirements

of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional engineer by the board at a regular meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:350, 352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004).

§905. Temporary Permit to Practice Engineering

A. An individual who is not a resident of and has no established place of business in Louisiana, may be granted a written temporary permit to practice professional engineering when such practice does not exceed 120 consecutive days in any calendar year, provided such individual is licensed to practice engineering in his/her own state, territory, or possession of the United States, or the District of Columbia, in which the requirements and the qualifications for obtaining a license are not lower than those specified in this Chapter, and provided further that before beginning such temporary practice in this state, the individual shall have applied to the board, paid the prescribed fee, and received a temporary permit, and upon the conclusion of such work, he/she shall advise the board as to the period of time that he/she has practiced in the state under such temporary permit.

B. The authority for the executive secretary to issue a temporary permit can only be granted by the board.

C. The fee for a temporary permit shall be equal to the fee paid by an applicant applying for licensure as a professional engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:773 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:286 (April 1996), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004).

§907. Land Surveyor Intern Certification

A. A land surveyor intern shall be either:

1. a graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least 30 semester credit hours, or the equivalent, in land surveying, mapping, and real property courses approved by the board, who is of good character and reputation, who has passed the written examination in the fundamentals of land surveying, who was recommended for certification by a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the

requirements of R.S. 37:694, and who was duly certified as a land surveyor intern by the board at a regular meeting; or

2. an individual certified by the board as a land surveyor in training or a land surveyor intern on or before January 1, 1995.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:90 (February 1984), LR 16:773 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004).

§909. Land Surveyor Licensure

A. The requirements for licensure as a professional land surveyor under the two alternatives provided in the licensure law are as follows:

1. an applicant for licensure as a professional land surveyor shall be a land surveyor intern, or an individual who meets the qualifications to be a land surveyor intern, who is of good character and reputation, who has a verifiable record of four years or more of combined office and field experience in land surveying including two years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor, who has passed the oral examination, who has passed the written examination in the principals and practices of land surveying and Louisiana laws of land surveying, and who was recommended for licensure by five personal references (at least three of whom must be professional land surveyors who have personal knowledge of the applicant), who has submitted an application for licensure in accordance with R.S. 37:694, and who was duly licensed as a professional land surveyor by the board at a regular meeting; or

2. the applicant shall be an individual who holds a valid license to engage in the practice of land surveying issued to him/her by the proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, who is of good character and reputation, who has passed a written examination on the fundamentals of land surveying, principles and practice of land surveying and Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional land surveyor by the board at a regular meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:244 (August 1976), amended LR 2:351 (November 1976), LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:645 (December 1981), LR 11:362 (April 1985), LR 16:773 (September 1990), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004).

Chapter 11. Curricula

§1101. Approved Curricula

A. The board shall determine which curricula are to be recognized under the provisions of the licensure law as approved curricula for the licensure of individuals as engineer interns, professional engineers, land surveyor interns, and professional land surveyors.

B. In general, the board will recognize as approved all engineering curricula of four years or more accredited by EAC/ABET. The board may recognize as approved an engineering curriculum that was not accredited at the time of the applicant's graduation, but which became accredited within the following two years.

C. Based on an investigation by a committee of the board, the board may, by a majority vote at a regular meeting, recognize as an approved curriculum a non-accredited engineering curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of §1101.B. The board shall keep a record of the engineering curricula thus approved.

D. The board, by a majority vote at a regular meeting, may approve curricula that contain at least 30 semester credit hours, or the equivalent, of satisfactory land surveying, mapping, and real property courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 10:805 (October 1984), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004).

§1103. Other Curricula

A. To qualify for certification as an engineer intern, graduates of non-accredited engineering curricula, must present evidence of experience of such quality and extent that the board believes that the applicant has obtained engineering knowledge and skills at least equivalent to that obtained by education in an accredited four-year engineering curriculum. Curricula must be of four years or more from a college or university having an approved curricula.

B. Non-accredited engineering curricula shall be those curricula of four years or more which are found by the board to be equivalent in content to accredited engineering curricula, including a minimum of 46 semester credit hours of recognized engineering courses, 36 of which shall be advanced level courses usually offered in the junior and senior years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended 7:647 (December 1981), LR 10:805 (October 1984), LR 19:907 (July 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004).

§1105. Engineering Graduate Programs

A. Acceptable engineering graduate programs are those offered by engineering departments which maintain accreditation from EAC/ABET at the basic or advanced

level and which require the removal of deficiencies in science, mathematics, engineering science, and engineering design as a prerequisite to the graduate courses; or are those found by the board to be equivalent to such programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended 7:647 (December 1981), LR 10:805 (October 1984), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004).

Chapter 13. Examinations

§1301. General

A. Only individuals of good character and reputation who have received permission from the board will be allowed to take any examination offered by the board. For all examinations, applications must be timely filed with the board.

B. The applicant must present appropriate documents to establish his/her eligibility and identification prior to being admitted to any examination.

C. Timely filing of an application with the board does not assure that an applicant will be permitted to take an examination, or be scheduled for examination on a particular date. To be considered for a specific examination date, the application should be received at the board office no later than the following number of days prior to a particular examination scheduled by the board: fundamentals of engineering, 150 days; fundamentals of land surveying, 150 days; principles and practice of engineering, 150 days; principles and practice of land surveying and the Louisiana laws of land surveying, 180 days.

D. Examinations in the fundamentals of engineering, fundamentals of land surveying, the principles and practice of engineering, the principles and practice of land surveying and the Louisiana laws of land surveying will be offered at least once a year at times and places designated by the board. Descriptions of typical content of the examinations will be made available to applicants through the office of the National Council of Examiners for Engineering and Surveying (NCEES).

E. Any applicant found to have engaged in conduct which subverts or attempts to subvert the engineering or land surveying examination process may, at the discretion of the board, have his or her scores on the examination withheld and/or declared invalid, have disciplinary action taken as described in R.S. 37:698-700 and/or be subject to the imposition of other appropriate sanctions.

F. The board may require applicants to demonstrate their knowledge of the laws and rules of the board, and the English language. Applicants must be able to speak and write the English language. Proficiency in English may be evidenced by possession of a baccalaureate degree taught exclusively in English, or by passage of both the TOEFL (Test of English as a Foreign Language) paper based exam with a score of 550 or better (213 or better on the TOEFL computer based exam) and the TSE (Test of Spoken English) exam with a score of 45 or better. The TOEFL and TSE representative is TOEFL AND TSE Services, Educational Testing Service, P.O. Box 6151, Princeton, NJ 08541-6151,

Telephone: (609) 771-7100. The TOEFL/TSE Code for this agency is 8425. Applicants requesting a waiver from the TOEFL and/or TSE requirements must submit a written request and supporting reasoning to the board. A waiver from the TOEFL and/or TSE requirements may be granted by the board upon receipt of one of the following:

1. a passing score on the Graduate Record Examination (GRE);
2. evidence that a baccalaureate degree has been earned from a Washington Accord approved program; or
3. transcripts which verify the successful completion of six full-time semesters (6 credit hours per semester) toward a graduate engineering degree in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004).

§1303. Approval to Take the Fundamentals of Engineering Examination

A. Graduating seniors of a four-year accredited engineering curriculum may be permitted to take the examination in the fundamentals of engineering during their last two semesters or last three quarters prior to graduation, or thereafter.

B. Graduates of a four-year engineering curriculum, accredited or non-accredited, may be permitted to take the examination in the fundamentals of engineering.

C. Graduates of a related science or technology curriculum, approved by the board, who have obtained a graduate degree in an engineering curriculum from a college or university having an undergraduate accredited engineering curriculum in the same discipline or sub-discipline may be permitted to take the examination in the fundamentals of engineering.

D. A student enrolled in a graduate accredited engineering curriculum leading to a graduate degree in engineering, who has completed the core courses in engineering fundamentals, may be permitted to take the fundamentals of engineering examination.

E. The board may allow the substitution of a qualifying examination for the fundamentals of engineering examination for any applicant who has an earned doctoral degree in engineering from a college or university having an undergraduate accredited engineering curriculum, or who has taken and passed an equivalent exam approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:88 (March 1978), amended LR 5:113 (May 1979), LR 6:735 (December 1980), LR 7:647 (December 1981), LR 10:805 (October 1984), LR 14:449 (July 1988), LR 17:804 (August 1991), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004).

§1305. Approval to Take the Examination in the Principles and Practice of Engineering

A. An applicant who meets the other requirements for licensure as a professional engineer may be permitted to take the examination in the principles and practice of engineering in the discipline in which he/she seeks licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 11:950 (October 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004).

§1307. Approval to Take the Fundamentals of Land Surveying Examination

A. A student in the final two semesters or final three quarters of the bachelor's degree may be permitted to take the fundamentals of land surveying examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004).

§1309. Approval to Take the Examination in the Principles and Practice of Land Surveying and in the Louisiana Laws of Land Surveying

A. An applicant who meets the other requirements for licensure as a professional land surveyor may be permitted to take the examinations in the principles and practice of land surveying and in the Louisiana laws of land surveying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004).

§1311. Examination for Record Purposes

A. The National Council of Examiners for Engineering and Surveying (NCEES) prepares examinations in the principles and practice of engineering. The board provides the opportunity for engineers who were previously licensed in Louisiana to take the National Council's examination in the discipline of their license without affecting their current licensure status with this board. These examinations are offered at times and places designated by the board. Each applicant will be charged a fee for this service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004).

§1313. Examination Results

A. The board will specify the minimum passing score for all examinations for certification or licensure of applicants.

B. Applicants will be informed by mail only as to whether they passed or failed an examination. Numerical grades are not available to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004).

§1315. Re-Examinations

A. An individual who fails an examination is eligible to apply to retake the examination. A request for re-examination must be submitted in writing prior to the deadline for scheduling of the examination.

B. Before an applicant is given approval to retake an examination, he/she may be required to appear before the board, or a committee of the board, for an oral interview/oral examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:353 (November 1976), amended LR 4:516 (December 1978), LR 5:114 (May 1979), LR 7:647 (December 1981), LR 12:692 (October 1986), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004).

Chapter 15. Experience

§1501. Recognition of Experience

A. The board will not recognize experience acquired by an applicant in violation of the licensure law of any state.

B. In considering applications for licensure by comity, the board may recognize examinations passed before the applicant had accrued sufficient qualifying experience according to Louisiana experience requirements in effect at the time, if:

1. the applicant had been a resident of the state in which he was examined for at least one year prior to the date of the examination; and

2. the examination was passed in accordance with that state's laws and regulations in effect at the time; and

3. the experience deficiency according to Louisiana experience requirements has been satisfied as of the date of the application to the Louisiana board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004).

§1503. Graduate-Level Experience

A. Beginning on January 1, 2005, successful completion of graduate study leading to a master's degree in engineering

which has followed a baccalaureate degree in engineering may be used for credit for one year's experience. If the Ph.D. in engineering is completed under the same conditions, two years' total experience may be credited. The two-years' credit includes the one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience may be two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:112 (May 1979), LR 6:735 (December 1980), LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004).

§1505. Work Experience

A. No applicant will be allowed more than one year of experience for work and education during any consecutive 12-month period.

B. Foreign work experience may be allowed provided that at least two years of experience is obtained under the supervision of a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Otherwise, two years of the required experience shall be obtained in a state, territory, or possession of the United States, or the District of Columbia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), LR 30:1716 (August 2004).

§1507. Experience Subsequent to Degree

A. Only experience obtained subsequent to completion of a degree specified in the requirements for qualifying as an engineer intern will be considered as engineering experience.

B. Up to one year of an engineering nature may be creditable prior to graduation, if obtained through a college or university-sponsored co-op program as part of a four-year engineering program approved by the board, and only after completion of the first half of the program. If the co-op work is full-time work, the amount of credit given is equal to the time worked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 7:647 (December 1981), LR 11:362 (April 1985), LR 27:1031 (July 2001), LR 30:1716 (August 2004).

§1509. Experience Should Not Be Anticipated

A. Experience should not be anticipated. The experience should be gained by the time of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and

Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004).

§1511. Experience from Engineering Research

A. Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum if approved by the board is creditable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004).

§1513. Teaching Experience

A. Engineering. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering curriculum of four years or more that is approved by the board.

B. Land Surveying. Teaching experience to be creditable must be at an advanced level in a land surveying curriculum approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004).

§1515. Progressive Experience

A. Engineering. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

B. Land Surveying. Experience must be progressive on land surveying projects to indicate that it is of increasing quality and requiring greater responsibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004).

§1517. Knowledge Required

A. Experience should include a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004).

§1519. Applied Experience

A. Experience should include application of engineering principles in the practical solution of engineering problems.

B. Professional land surveyor applicants must demonstrate a substantial portion of their experience was spent in charge of work related to property conveyance and/or boundary line determination.

C. Professional land surveyor applicants must demonstrate adequate experience in the technical field aspects of the profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and

Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004).

§1521. Experience Acquired in the Armed Services

A. Engineering. Engineering experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.

B. Land Surveying. Land surveying experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in a land surveying group.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004).

§1523. Sales Experience

A. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004).

§1525. Experience in Construction

A. Experience in construction, to be creditable, must demonstrate the application of engineering principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004).

§1527. Supervision by Licensed Professional

A. Engineering. Experience should be gained under the supervision of a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, or, if not, an explanation shall be made showing why the experience should be considered acceptable.

B. Land Surveying. Experience should be gained under the supervision of a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, or, if not, an explanation shall be made showing why the experience should be considered acceptable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004).

Chapter 17. Applications and Fees

§1701. Applications

A. Applications for certification as an engineer intern or land surveyor intern shall be completed on the most current

forms developed by the board. The application shall contain statements showing the applicant's qualifications, and a recommendation for certification by a professional engineer or professional land surveyor holding a valid license to engage in the practice of engineering or land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, as appropriate. Furthermore, applications for certification as an engineer intern submitted by graduates of a non-accredited engineering curriculum shall also contain a recommendation for certification by a professional engineer (holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia) having personal knowledge of the applicant's engineering experience.

B. Applications for licensure as a professional engineer or professional land surveyor shall be completed on the most current forms developed by the board. The application shall contain statements showing the applicant's qualifications, and the names and addresses of five personal references. Three or more of the five personal references furnished by an applicant for licensure as a professional engineer shall be professional engineers holding valid licenses to engage in the practice of engineering issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Three or more of the five personal references furnished by an applicant for licensure as a professional land surveyor shall be professional land surveyors holding valid licenses to engage in the practice of land surveying issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Engineering experience shall be verified by a person having direct knowledge of the quality of the applicant's engineering work, preferably a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Land surveying experience shall be verified by a person having direct knowledge of the quality of the applicant's land surveying work, preferably a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia.

C. Applicants who have attended college shall have certified transcripts of all college work forwarded by the registrar of each college directly to the office of the board.

D. For college credits and/or college degrees earned outside of the United States, applicants may be required to submit a course-by-course analysis and equivalency in terms of United States courses and credits from an organization approved by the board. The applicant will be responsible for fees connected with this service.

E. Requests for licensure in more than one discipline must be submitted on separate application forms.

F. An application for licensure may be considered incomplete by the board. The applicant may be denied admission to written examinations until the information submitted in the application has been investigated and replies have been received from references. The board may require additional information and documents it considers necessary for the proper evaluation of an application.

G. An application requiring an examination for certification or licensure must be timely filed with the board office (§1301).

H. Applicant files may be destroyed at the discretion of the executive secretary no earlier than five years after original submission of the application.

I. Applications for licensure of an engineering firm and/or land surveying firm must be typed on the form provided by the board, must be completed in their entirety, and must contain the name, license number, and signature of all Louisiana professional engineers and/or professional land surveyors designated as supervising professionals in accordance with Chapter 23 (Firms). The name and signature of an officer of the firm duly authorized to make certifications on behalf of the firm must appear in the specified location of the form. If the applicant is a corporation, a copy of the corporation's Louisiana Certificate of Incorporation (domestic) or Certificate of Authority (foreign) must accompany the application. If the applicant is a limited liability company, a copy of the company's Louisiana Certificate of Organization (domestic) or Certificate of Authority (foreign) must accompany the application. The board will license firms that are corporations using only the name as reflected on the corporation's Certificate of Authority or the Certificate of Incorporation. The board will license firms that are limited liability companies using only the name as reflected on the company's Certificate of Authority or the Certificate of Organization. Designated supervising professionals for the firm must also successfully complete a Louisiana Laws and Rules Examination prior to licensure of the firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), LR 30:1717 (August 2004).

§1703. Fees

A. Application fees, license fees, certification fees, renewal fees and all other fees shall be established by the board by a majority vote at a regular meeting. The fees so established shall be in accordance with the limits specified in the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:503 (December 1977), amended LR 5:365 (November 1979), LR 7:646 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004).

Chapter 19. Disciplines of Engineering

§1901. Disciplines

A. The licensure law provides that professional engineers will be issued licenses by the board as a Professional Engineer and that the board shall list a professional engineer in one or more of the disciplines of engineering approved by the National Council of Examiners for Engineering and Surveying (NCEES).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:118 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1982), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004).

§1903. Accredited Specialties (EAC/ABET)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended LR 10:805 (October 1984), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1033 (July 2001), repealed LR 30:1718 (August 2004).

§1905. Additional Disciplines

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1033 (July 2001), repealed LR 30:1718 (August 2004).

§1907. Disciplines Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended LR 10:805 (October 1984), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1033 (July 2001), repealed LR 30:1718 (August 2004).

§1909. Licensure in a Newly Recognized Discipline

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1034 (July 2001), repealed LR 30:1718 (August 2004).

§1911. Limitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1034 (July 2001), repealed LR 30:1718 (August 2004).

Chapter 21. Certificates of Licensure and Certification of Individuals or Firms

§2101. Expiration and Renewals

A. Licenses and certificates of individuals or firms shall expire on the date specified on the renewal certificate and/or

as shown on the board's records and shall become invalid after that date unless renewed within 120 days. After that period, the former licensee or certificate holder may apply to the board to reactivate his/her former license or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 6:417 (June 1983), LR 11:363 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1035 (July 2001), LR 30:1718 (August 2004).

§2103. Licensure Status

Active Status The licensure status which exists for a licensee of the board who has complied with all the licensure and licensure renewal requirements of the board.

Expired Status The licensure status which exists for a licensee of the board who has failed to properly renew licensure as required in R.S. 37:697. A licensee in an *expired status* can no longer practice or offer to practice professional engineering or professional land surveying in Louisiana.

Inactive Status The licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice professional engineering and/or professional land surveying in Louisiana and who has indicated that fact on the board biennial licensure renewal form. This licensee can represent himself/herself to the public as a *P.E. Inactive*, or a *P.L.S. Inactive*, but cannot otherwise practice or offer to practice professional engineering and/or professional land surveying in Louisiana.

Retired Status The licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice professional engineering and/or professional land surveying in Louisiana and who has indicated that fact on the board biennial licensure renewal form. To qualify for the *retired status*, the licensee must be at least 70 years of age or have been a licensee of the board for at least 35 years. The renewal fee for the *retired status* shall be one-half of the current renewal fee for the *active status*. This licensee can represent himself/herself to the public as a *P.E. Retired*, or a *P.L.S. Retired*, but cannot otherwise practice or offer to practice professional engineering and/or professional land surveying in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2151 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004).

Chapter 23. Firms

§2301. General

A. The following rules with regard to firms providing or offering to provide professional services shall apply equally to domestic or foreign firms, partnerships, associations, cooperatives, ventures, corporations, limited liability companies, limited liability partnerships, and any other entities, unless otherwise provided:

1. use of the term *professional services* in this Chapter will refer to either professional engineering services or professional land surveying services; and

2. use of the term *licensed professional* in this Chapter will refer to either a professional engineer or a professional land surveyor duly licensed in Louisiana.

B. A firm must be licensed with the board before it may provide or offer to provide professional services in the state of Louisiana.

1. A firm which has in its title the word *engineering* or *surveying* or any derivative thereof shall be construed to be offering to provide professional services and therefore must be licensed with the board before doing business in the state of Louisiana, unless it has in its title modifying or explanatory words which would, in their ordinary meaning, negate the inference of the professional practice of engineering or land surveying.

2. A firm may provide or offer to provide both professional engineering and professional land surveying services; provided, however, that the firm must qualify separately as an engineering firm and as a land surveying firm, and the requirements of this Chapter will apply separately to providing or offering to provide professional engineering services and professional land surveying services.

3. A firm may provide or offer to provide both professional services and related licensed professional services, such as architecture and landscape architecture; provided, however, the firm must be licensed under and comply with the provisions of this Chapter.

C. Unless otherwise provided, non-firm individual proprietorships which bear the full name of the owner who is a licensed professional are exempt from the application of this Chapter. Such proprietorships are not required to be licensed as engineering or land surveying firms with the board. Non-firm individual proprietorships that do not bear the full name of the owner who is a licensed professional must be licensed with the board as an engineering or land surveying firm and must comply with all the provisions of this Chapter.

D. Joint ventures that provide or offer to provide professional services will not be required to be licensed as separate entities. Nevertheless, any firm (including those non-firm individual proprietorships otherwise excluded under §2301.C) that provides or offers to provide professional services in conjunction with its participation in a joint venture can do so only if it complies with the provisions of these rules. In addition, any supervising professional who participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 16:774 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004).

§2305. Supervising Professional

A.1. In the case of firms providing or offering to provide professional services in the state of Louisiana, all such

professional services shall be executed under the responsible charge of a licensed professional, and designated by the firm as a supervising professional. Such licensed professional shall be an active employee of the firm:

a. whose primary employment is with the firm on a full-time basis; or

b. whose secondary employment is with the firm, provided the firm is totally owned by one or more of the supervising professionals whose license is used to qualify the firm for licensure.

2. When the work consists of plans, designs, specifications, reports or maps, such licensed professional shall impress them with his/her seal or stamp as required by law. The appearance of a seal or stamp on a document of any type shall constitute a representation that such document was prepared by the licensed professional or under his/her responsible charge.

B. Nothing in these rules shall be construed to give a professional engineer the power to practice professional land surveying, unless that professional engineer is licensed as a professional land surveyor.

C. Nothing in these rules shall be construed to give a professional land surveyor the power to practice professional engineering, unless that professional land surveyor is licensed as a professional engineer.

D. It is the intent of these rules to guarantee that all professional services provided by a licensed firm is performed under the responsible charge of or by a licensed professional. To this end, the board may also require a licensed firm to identify those licensed professionals who will be providing professional services. In addition, the board may require the individual licensee identified by the licensed firm as the supervising professional to acknowledge this responsibility, and assume the responsibility of informing the board in the event of a change of employment. No licensed professional shall be designated as a supervising professional by more than one firm, except in the case of secondary employment by a firm which is totally owned by one or more of the supervising professionals whose license is used to qualify the firm for licensure. A failure to comply with any of the provisions of this rule may subject both the licensed firm and the licensed professional to disciplinary action by the board.

E. Compliance with the above rules will not be met by a contractual relationship between the firm and a licensed professional or a firm of licensed professionals in which such licensed professional or firm of licensed professionals is available on a consultative basis. Nor will it be considered compliance if a licensed professional is related to the firm solely in a nominal or inactive capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:115 (May 1979), amended LR 8:191 (April 1982), LR 10:343 (April 1984), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1036 (July 2001), LR 30:1719 (August 2004).

§2307. Professional Identification

A. Letterheads, business cards, advertisements and other similar identifying items issued by firms providing or offering to provide professional services in the state of

Louisiana shall reflect the name of the supervising professional in responsible charge and/or the license number of the firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:116 (May 1979), amended LR 8:191 (April 1982), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004).

§2309. Enforcement

A. In the event that a firm providing or offering to provide professional services within the state of Louisiana shall fail to comply with these rules, the board, after investigation of the facts, may take whatever action is necessary against such firm to require compliance or to enjoin further practice or offers to practice professional engineering or professional land surveying.

B. Any firm that is licensed by the board is subject to all disciplinary provisions provided for in the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004).

Chapter 25. Professional Conduct

§2501. Scope; Knowledge; Definition of Licensee

A. In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following rules of professional conduct shall be binding on every licensee. These rules of professional conduct deal primarily with the relationship between licensees and the public, and should not be construed as a substitute for codes of ethics of the various professional and technical societies.

B. All licensees under the licensure law are charged with having knowledge of the existence of these rules of professional conduct, and shall be deemed to be familiar with their provisions and to understand them.

C. In this Chapter, the term *licensee* shall mean any professional engineer, professional land surveyor, engineer intern, land surveyor intern, or firm holding a license or certificate issued by this board.

D. A licensee possessing personal knowledge of a violation of the licensure law or the board rules found in this Chapter shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require. The licensee shall timely respond to all inquiries and correspondence from the board and shall timely claim correspondence from the U.S. Postal Service, or other delivery service, sent to the licensee, from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:299 (August 1978), amended LR 7:648 (December 1981), LR 16:776

(September 1990), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004).

§2503. Licensees

A. Licensees shall hold paramount the safety, health, property and welfare of the public in the performance of their professional duties.

B. Licensees shall at all times recognize that their primary obligation is to protect the safety, health, property, and welfare of the public. If their professional judgment is overruled by nontechnical authority, they will clearly point out the consequences, notifying the proper authority of any observed conditions which endanger public safety, health, property and welfare.

C. Licensees shall approve and seal only those design documents and surveys which are safe for public health, property, and welfare, which are complete and accurate, which are in conformity with accepted engineering and land-surveying standards or practice, and which conform to applicable laws and ordinances.

1. Licensees shall comply fully with Chapter 27 (Use of Seals).

2. Except as permitted by §2701.A.3.b.ii.(a), licensees shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the licensee or under the licensee's responsible charge.

3. Licensees may not accept the responsibility for, nor review, revise, sign, or seal drawings when such plans are begun by persons not properly licensed and qualified; or do any other act to enable either such licensees or the project owners, directly or indirectly, to evade the requirements of the licensure law.

D. Licensees shall submit to a client only that work (plans, specifications, reports, and other documents) prepared by the licensee or by an employee (or subordinate) of the licensee (which is under the licensee's responsible charge); however, licensees, as a third party, may complete, correct, revise, or add to the work of another licensee or other related design professional, if allowed by Louisiana statutes, when engaged to do so by a client, provided:

1. the client furnishes the documentation of all such work submitted to him by the previous licensee(s), or their related design professional(s);

2. the previous licensees or other related design professionals are notified in writing by the licensee of the engagement referred to herein immediately upon acceptance of the engagement; and

3. all work completed, corrected, revised, or added to shall contain a notation describing the work done by the licensee now in responsible charge, shall have the seal and signature of the licensee affixed thereto, the date of execution, and shall become the responsibility of the licensee.

E. Licensees shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony.

F. When serving as an expert or technical witness before any court, commission, or other tribunal, licensees shall express an opinion only when it is founded upon adequate

knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony.

G. Licensees shall issue no statement, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of any party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matters.

H. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the board in a manner consistent with the requirement of those rules for reporting personal knowledge of rule or statute violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16:776 (September 1990), LR 17:273 (March 1991), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004)

§2505. Services

A. Licensees shall perform services only in the area of their competence.

B. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.

C. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matters in which they lack competence, nor to any such plan or document not prepared under their responsible charge. Responsible charge requires a licensee or employee to carry out all client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided the licensee reviews the work. The professional engineer and professional land surveyor may affix their seal and signature to drawings and documents depicting the work of two or more professionals provided that a note under the seal designates the specific subject matter for which each is responsible.

D. Licensees may accept an assignment outside of their areas of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that they are satisfied that all other phases of such project will be performed or supervised by licensed, qualified associates, consultants, or employees,

in which case they may then sign and seal the documents for the total project.

E. In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.

F. Engineers and construction (design-build) entities that meet all statutory requirements in this jurisdiction may offer a combination of engineering and construction services, provided that:

1. the entity obtains an authorization certificate from the board by filing, on a form approved by the board, a written disclosure on which it shall designate an engineer licensed in this jurisdiction to be in responsible charge of all engineering services offered and/or provided by the entity;

2. an engineer licensed in this jurisdiction and associated with such entity participates in the material aspects of the offering of engineering services with respect to any project;

3. one or more of the officers, partners, or members of the entity, and all personnel of such entity who act on its behalf as engineers, are licensed as engineers in this jurisdiction; and

4. the engineer(s) competent in the required specific areas of practice and licensed in this jurisdiction shall be in responsible charge of all engineering design and be directly involved during the construct of the project;

5. in the event such engineer's services are terminated with respect to the project, the entity and the engineer shall, within five business days, notify the board of such termination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004).

§2507. Conflicts of Interest

A. Licensees shall further act in professional matters for each employer or client as faithful agents or trustees and shall avoid conflicts of interest.

B. Licensees shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence their professional judgment or the quality of their professional services.

C. Licensees shall not accept compensation, financial or otherwise, from more than one party for professional services on the same project, or for professional services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

D. Licensees shall not solicit or accept, directly or indirectly, benefits of any substantial nature or significant gratuity, from any supplier of materials or equipment, or from contractors, their agents, servants or employees or from any other party dealing with the client or employer of the licensee in connection with any project on which the licensee is performing or has contracted to perform engineering or land surveying services.

E. When in public service as a member, advisor or employee of a governmental body or agency, or under contract to provide consultation, advice, technical reviews and recommendations to a governmental body or agency, licensees shall not participate in considerations or actions with respect to professional services provided by them or their organization to that governmental body or agency.

F. Licensees shall not solicit nor accept an engineering and/or land surveying contract from a governmental body of which a principal or officer of the licensee's firm serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

G. Licensees shall not attempt to supplant another engineer or land surveyor in a particular engagement after becoming aware that the other has been selected for the engagement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1038 (July 2001), LR 30:1722 (August 2004).

§2509. Improper Solicitation

A. Licensees shall avoid improper solicitation of professional employment or services.

B. Licensees shall not falsify or permit:

1. misrepresentation of the licensee or any associate's academic or professional qualifications;

2. misrepresentation or exaggeration of the licensees' degree of responsibility in or for the subject matter of prior assignments; or

3. misrepresentation of pertinent facts concerning employers, employees, associates or joint ventures, of the licensees' or their firm's past accomplishments, with the intent and purpose of enhancing their qualifications and their work.

C. Licensees shall not pay nor offer to pay, directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, except under the following circumstances:

1. securing salaried positions through employment agencies; or

2. as a bona fide employee, or a bona fide established commercial marketing agency retained by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1038 (July 2001), LR 30:1722 (August 2004).

§2511. Conduct of Advertising

A. Licensees shall not make exaggerated, misleading, deceptive or false statements or claims about professional qualifications, experience or performance in brochures, correspondence, listings, or other public communications.

B. The prohibitions listed in Subsection A include, but are not limited to:

1. the use of statements containing a material misrepresentation of fact;
2. omitting a material fact necessary to keep the statement from being misleading;
3. the use of statements intended or likely to create an unjustified expectation; and
4. the use of statements containing a prediction of future success.

C. Consistent with the foregoing, licensees may advertise for recruitment of personnel.

D. Consistent with the foregoing, licensees may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1038 (July 2001), amended LR 30:1722 (August 2004).

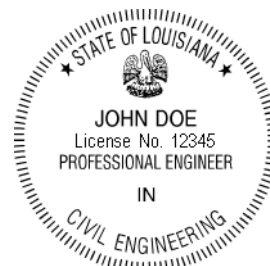
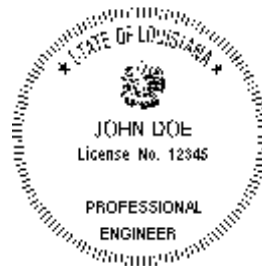
Chapter 27. Use of Seals

§2701. Seal and Signature

A. The following rules for the use of seals to identify work performed by a professional engineer or professional land surveyor shall be binding on every licensee.

1. Seal Possession
 - a. Each professional engineer or professional land surveyor, upon licensure, shall obtain an official seal.
 - i. Firms are not authorized to possess seals.
 - ii. In the case of a temporary permit issued to a licensee of another state, territory, or possession of the United States, or the District of Columbia, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.
2. Seal Design and Signature Requirements
 - a. The design of the seal shall have the following minimum information:
 - i. State of Louisiana;
 - ii. licensee's name;
 - iii. license number;
 - iv. contain the words "Professional Engineer" or "Professional Engineer in _____ Engineering," or "Professional Land Surveyor."

Seals issued prior to promulgation of these rules may use the word "registered" in lieu of "license". If a seal is replaced, the new seal shall use the word "license" in lieu of "registered".
 - b. Indicated below is a sample of the seal design authorized by the board.
 - c. Seals of two sizes are acceptable:
 - i. 1-5/8 inch seal commonly used in pocket seals; and
 - ii. 2-inch seal commonly used in desk seals.
 - d. Rubber seals of the same design and size are acceptable for use.
 - e. Computer generated seals of the same design and size may be used on final original drawings, provided that a handwritten signature is placed adjacent to or across the seal and the date is written below the seal.
 - f. A seal must be accompanied by the licensee's signature and date. Electronic signatures are not authorized except for electronic transmission of work as stated herein below.



3. Seal Responsibility

a. The application of the licensee's seal, signature, and date shall constitute certification that the work thereon was done by the licensee or under his/her responsible charge. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her seal, professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the board by the licensee. The board may invalidate the licensure number of said licensee, if it deems this necessary, and issue another licensure number to the licensee.

b. Responsible Charge

i. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the responsible charge of a licensee only when:

(a) the client or any public or governmental agency requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the licensee or the licensee's employee as long as the employee works in the licensee's place(s) of business;

(b) the licensee supervises the initial preparation of the plans, specifications, drawings, reports or other documents and has continued input into their preparation prior to their completion;

(c) the licensee reviews the final plans, specifications, drawings, reports or other documents; and

(d). the licensee has the authority to, and does make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

(i). If the plans, specifications, drawings, reports, or other such documents are prepared outside the licensee's office, the licensee shall maintain all evidence of the licensee's responsible charge including correspondence, time records, check prints, telephone logs, site visit logs, research done for project, calculations, changes, and all written agreements with any persons preparing the documents outside of the licensee's office accepting professional responsibility for such work.

(ii). A licensee failing to maintain written documentation of the items set forth above, when such are applicable, shall be considered to be in violation of R.S. 37:698(A)(6), and the licensee shall be subject to the disciplinary action procedure as set forth in the licensure law.

ii. No licensee shall affix his/her seal or signature to reports, plats, sketches, working drawings, specifications, design calculations, or other engineering and land surveying documents developed by others not under his/her responsible charge and not subject to the authority of that licensee, except:

(a). in the case of an individual licensee checking the work of and taking the professional responsibility for an out-of-state individual licensee, the Louisiana licensee shall completely check and have responsible charge of the design. Such responsible charge shall include possession of the sealed and signed reproducible construction drawings, with complete signed and sealed design calculations indicating all changes in design;

(b). certification of standard design plans which are initially prepared and sealed by a professional engineer properly licensed in the jurisdiction of origin of such plans. Standard design plans may then be reviewed by a Louisiana resident professional engineer for code conformance, design adequacy, and site adaption for the specific application within Louisiana. The professional engineer licensed in Louisiana assumes responsibility for such standard designs. Standard plans, which bear the seal of a professional engineer licensed in another state, territory, or possession of the United States, or the District of Columbia, shall be sealed by the Louisiana resident professional engineer who is assuming responsibility. In addition to the seal, a statement shall be included as follows:

"These plans have been properly examined by the undersigned. I have determined that they comply with existing local Louisiana codes, and have been properly site adapted to use in this area."

iii. No licensee shall affix his/her seal or signature to documents having titles or identities excluding the licensee's name unless:

(a). such documents were indeed developed by the licensee under the licensee's responsible charge;

(b). the licensee shall exercise full authority to determine his/her development; and

(c). except as set forth in §2701.A.3.b.i.(a).

4. Seal Use

a. Completed Work

i. The licensee shall affix his/her seal, sign his/her name, and place the date of execution on all engineering and land surveying documents that have been

issued by the licensee to a client or any public or governmental agency as completed work.

(a). In the case of a temporary permit issued to a licensee of another state, territory, or possession of the United States, or the District of Columbia, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.

ii. Drawings and Plats

(a). In the case of multiple sealings, the first sheet or title page shall be sealed and signed by the licensee or licensees in responsible charge. In addition, each sheet shall be sealed by the licensee or licensees responsible for each sheet.

(b). In the case of a firm, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet and the licensee(s) in responsible charge shall sign and seal the title page or first sheet.

iii. Specifications, Reports, Design Calculations and Information

(a). In the case of specifications or reports of multiple pages, the first sheet or title page of each document shall be sealed and signed by the licensee or licensees involved. Subsequent revisions shall be dated and initialed by the licensee in responsible charge whose seal and signature appears on the first sheet or title page.

(b). In the case of a firm, the licensee in responsible charge shall sign and seal the title page or first sheet.

b. Preliminary Work

i. All preliminary documents, so marked in large bold letters, shall contain a statement that the documents are not to be used for construction, bidding, recordation, conveyance, sales, or as the basis for the issuance of a permit. Preliminary documents are not required to have the licensee's seal and signature affixed, but must bear the name and licensure number of the licensee, and the firm's name, if applicable.

c. Exempt Work

i. No seal, signature nor date shall be required in any of the following situations:

(a). on any sewage facility project in which the estimated number of gallons of sewage affected does not exceed 3000 per day, as calculated by agency engineers reviewing the project;

(b). on any water facility project in which the estimated number of gallons of water affected does not exceed 3000 per day, as calculated by agency engineers reviewing the project; provided that such project does not cause a change in treatment, chemical addition, or any other process affecting either the quality or quantity of water being produced;

(c). on any project for the construction of individual/private water wells;

(d). on any project involving both water and sewage facilities, provided that the estimated number of gallons of water affected does not exceed 3000 per day nor the estimated number of gallons of sewage affected does not exceed 3000 per day, as calculated by agency engineers reviewing the project; or

(e). in-kind replacement of water or sewage facilities in which the estimated number of gallons of water

affected does not exceed 3000 per day and the estimated number of gallons of sewage affected does not exceed 3000 per day, as calculated by agency engineers reviewing the project.

5. Electronic Transmission

a. Drawings, specifications, plans, reports or other documents which require a seal may be transmitted electronically provided the seal and signature of the licensee is transmitted in a secure mode that precludes the seal and signature being produced or modified. Drawings, reports or documents which are signed using a digital signature as defined in the rules shall contain the authentication procedure and a list of the hardware, software, and parameters used to prepare the document(s).

b. Drawings, specifications, plans, reports or other documents which do not require a seal may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date:

"This document originally issued and sealed by (name of licensee number and "date of sealing"). This document should not be considered a certified document."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004).

Chapter 29. Minimum Standards for Property Boundary Surveys

§2901. General

A. The following minimum standards of practice for land surveying in the state of Louisiana have been adopted to help ensure that surveys are performed in accordance with acceptable procedures.

B. These standards are set forth to solely provide a means by which professional performance can be assessed by the board and to enable the surveying profession as a whole to better protect the safety, health, and welfare of the public. It should be recognized that surveying practices now in place may vary from one region of the state to another, and these practices should be evaluated when at variance with these standards.

C. It is intended that these be recognized as minimum standards of practice and that they not be relied upon by the professional land surveyor as a substitute for the exercise of proper individual skill, professional discretion, and good judgment in fulfilling the legal and/or contractual requirements of any property boundary survey.

D. When in the professional land surveyor's opinion, special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the drawing. It shall be a violation of this rule to use special conditions to circumvent the intent and purpose of these minimum standards.

E. A property boundary survey shall only be performed by persons qualified to practice land surveying and licensed in accordance with the provisions of the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004).

§2903. Definitions

A. Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the American Congress on Surveying and Mapping. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

Client The person with whom the contract for work is made. This may, or may not be the owner.

Corner A point on a land boundary, at which two or more boundary lines meet. Not the same as monument, which refers to the physical evidence of the corner's location on the ground.

Deed An instrument in writing which, when executed and delivered, conveys an estate in real property or interest therein.

Description, Legal A written description usually contained in an act of conveyance, judgment of possession, or recognized by law which definitely locates property by metes and bounds or by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

Description, Metes and Bounds A description of a parcel of land by reference to course and distances around the tract, or by reference to natural or record monuments.

Encroachment Any structure or obstruction which intrudes upon, invades or trespasses upon the property of another.

May When used means that a choice on the part of the land surveyor is allowed.

Monument A physical structure which marks the location of a corner or other survey point. In public-land surveys, the term *corner* is employed to denote a point determined by the surveying process, whereas the *monument* is the physical structure erected to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

Positional Accuracy The difference between the actual position of a monument and the position as reported on the plat.

Positional Tolerance The distance that any monument may be mislocated in relation to any other monument cited in the survey.

Prescription Title obtained in law by long possession. Occupancy for the period prescribed by the Louisiana Civil Code, as sufficient to bar an action for the recovery of the property, gives title by prescription.

Right of Way Any strip or area of land, including surface, overhead, or underground granted by deed or

easement for construction and maintenance according to the designated use.

Servitude is a nonpossessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land. The term easement is often used interchangeably with servitude and means the same thing.

Shall is imperative or mandatory and must be done by the land surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004).

§2905. Classification of Surveys

A. Presented below are categories which define the degree of accuracy which should be attained for surveys performed in Louisiana. These classifications are based upon the purposes for which the property is being used at the time the survey is performed and any proposed developments which are disclosed by the client. Refer to this Chapter for accuracy standards for each of the following classes of surveys.

1. **Class A Surveys.** Surveys which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.

2. **Class B Surveys.** Surveys of properties which justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.

3. **Class C Surveys.** Surveys of residential and suburban areas. This includes, but is not limited to, surveys of residential areas which cannot be classified as Class A or Class B surveys.

4. **Class D Surveys.** Surveys of all remaining properties which cannot be classified as Class A, B or C surveys. This includes, but is not limited to, surveys of farm lands and rural areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004).

§2907. Property Boundary Survey

A. Definitions

Mineral Unit Survey (or Unit Plat) is a plan showing subsurface mineral boundaries prepared for the specific purpose of allocating mineral rights. A mineral unit survey should not be viewed as a property boundary survey subject to the requirements of the Minimum Standards for Property Boundary Surveys. This does not absolve the professional land surveyor from his/her obligation to use due diligence in

the practice of and from complying with all applicable rules and laws pertaining to the practice of land surveying.

Property Boundary Survey is a survey which, after careful study, investigation, and evaluation of major factors influencing the location of boundaries, results in the deliberate location or relocation on the ground of one or more boundaries. When all the boundaries of a parcel of land are surveyed, an area determination may be included if requested by the client.

B. **Purpose.** The primary purpose of the property boundary survey is to locate or relocate the physical position and extent of the boundaries of real property, and the discovery of visible evidence of prescriptive rights relating thereto. A property boundary survey may also include the location or relocation of the physical position and extent of political boundaries which define the perimeters of public or private ownership. In addition, the property boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract in relation to other well recognized and established points of reference, adjoining properties and rights-of-way.

C. **Product.** A property boundary survey will result in the establishment of monumented corners; point of curvature and tangency; and reference points (see Subsection E, "Monuments"). In event that no plat of survey is required, the professional land surveyor must maintain adequate records to substantiate his professional opinion in reestablishing boundary lines and corners on a survey. If requested by the client, a boundary survey may also include the following:

1. a signed and sealed metes and bounds written description depicting the surveyed boundary (see Subsection H, "Descriptions");
2. a certified map or plat depicting the survey as made on the ground; and
3. a signed and sealed written report of the surveyor's findings and determinations.

D. **Research and Investigation.** A land surveyor shall be provided the legal description or plats describing the property to be surveyed. The land surveyor shall then evaluate the necessity to obtain the following data based on the specific purpose of the survey:

1. the most recent recorded legal descriptions and plats of the tract to be surveyed and tracts adjoining or in proximity to the property to be surveyed;
2. the recorded legal descriptions of adjoining, severing, or otherwise encumbering servitudes or rights-of-way, including but not limited to, highways, roadways, pipelines, utility corridors, and waterways used for drainage, navigation or flood control. Where the purpose of a survey neither requires nor includes research and investigation of servitudes, a note to that effect shall be placed upon the plat of survey; and
3. grants, patents, subdivision plats or other recorded data that will reference or influence the position of boundary lines.

E. **Monuments.** Monuments set or called for, whether artificial or natural, represent the footsteps of the land surveyor and his/her professional opinion as to the proper location of the points or corners of a property boundary survey. The following guidelines for monumentation of property boundary surveys shall be observed.

1. Natural monuments are objects which are the works of nature; such as streams, rivers, ponds, lakes, bays, trees, rock outcrops, and other definitive topographic features.

2. Artificial monuments are relatively permanent objects used to identify the location of a corner. Artificial monuments must retain a stable and distinctive location and must be of sufficient size and composition to resist the deteriorating forces of nature.

3. The following guidelines apply to artificial monuments to be set.

a. Monuments of a ferrous material must have at least 1/2 inch outside diameter, and must be at least 18 inches in length (longer in soft or unstable soil).

b. Concrete monuments must be at least 3 inches in width or diameter by 24 inches in length, reinforced with an iron rod at least 1/4 inch in diameter, and may contain a precise mark on top indicating the exact location of the corner.

c. Marks on existing concrete, stone, or steel surface must consist of drill holes, chisel marks or punch marks and must be of sufficient size, diameter or depth to be definitive, stable and readily identifiable as a survey monument. Marks on asphalt roads may consist of railroad spikes, large nails, "PK nails", or other permanent ferrous spikes or nail-like objects.

d. It is unacceptable to set wooden stakes as permanent boundary monuments.

e. Monuments must be set vertically whenever possible and the top may be reasonably flush with the ground when practical. Monuments subject to damage from earthwork, construction or traffic should be buried at a sufficient depth to offer protection.

f. When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.

F. Field Procedures. All field work shall be performed in accordance with accepted modern surveying theory, practice and procedures. Any person in charge of a field party shall be well-trained in the technical aspects of surveying. Every professional land surveyor under whose responsible charge a survey is conducted is also required to adhere to the following.

1. All field measurements of angles and distance shall satisfy the closures and tolerances expressed in this Chapter.

2. In performing resurveys of tracts having boundaries defined by lines established in public lands surveys, the land surveyor shall, as nearly as possible, reestablish the original lines of any prior survey made under United States or state authority. In all townships or portions of townships where no survey has been made, the land surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and section indicated upon the plats according to which the lands were granted by the state or by the United States. (R.S. 50:125)

3. Where applicable, surveys necessitating the division of a section, shall be performed in accordance with the instructions for the subdivisions of sections as published by the United States Department of the Interior, Bureau of Land Management, in its book entitled *Manual of*

Instruction for Survey of the Public Lands of the United States, and all applicable federal laws.

4. Special consideration shall be afforded by the rules of evidence and "hierarchy of calls" before any decision is made regarding property boundaries. "... The legal guides for determining a question of boundary or the location of a land line in order of their importance and value are: 1–natural monuments, 2–artificial monuments, 3–distances, 4–courses, 5–quantity. But the controlling consideration is the intention of the parties." [See citation in *Myer vs. Comegys*, 147 La. 851, 86 So. 307, 309 (1920)]

5. A careful search shall be made for corner monuments affecting the location of the boundaries of land to be surveyed. Any evidence discovered shall be evaluated for its agreement in description and location with the call in the relevant deeds and/or plats.

6. All boundary discrepancies, visible encroachments, and visible indications of rights which may be acquired through prescription or adverse possession must be physically located. All evidence of servitudes that is visible without meticulous searching is to be physically located during the survey. Furthermore, nonvisible servitudes need to be located only upon the client's specific request.

7. All field data gathered shall satisfy the requirements of the following Subsection on plats, maps, and drawings.

G. Plats, Maps, and Drawings. Every original plat or map of a boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat map or drawing shall be prepared in conformity with the following guidelines.

1. Any reasonably stable and durable drawing paper linen or film of reproducible quality will be considered suitable material for boundary survey plats and maps.

2. No plats or maps shall have dimensions less than 8 inches by 10 1/2 inches.

3. All dimensions, bearings or angles, including sufficient data to define the curve shall be neatly and legibly shown with respect to each property or boundary line. When possible, all bearings shall read in a clockwise direction around the property. All lines and curves shall show sufficient data on the map to calculate a map closure.

4. Monuments shall be labeled as "found" or "set" with a brief definitive description of the monument and relevant reference markers, if any, along with their position in relation to the corner. This description shall include the physical characteristics of the monument and its relevance to the survey.

5. When the purpose of the survey dictates, all pertinent natural or man-made features located during the course of the field survey (water courses, streets, visible utilities, etc.) shall be labeled or represented by an appropriate symbol on the plat in its proper location. When appropriate, the feature should be dimensioned and referenced to the nearest property line.

6. All maps or plats must show a north arrow and it is recommended that the drawings be oriented so that north is toward the top of the sheet.

7. A statement indicating the origin of angles or bearings shall be shown on each plat, map, or drawing. If

bearings are used, the basis of the bearing shall include one or more of the following:

a. reference to true north as computed by astronomic observation within one mile of the surveyed site;

b. reference to the Louisiana State Coordinate System with the proper zone and controlling station(s) noted;

c. reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed, or survey plat;

d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) may be used.

8. If a coordinate system other than the Louisiana State Coordinate System is used on a map, that system must be identified. If that system is the Louisiana State Coordinate System, the appropriate zone must be shown on the map.

9. Where the new survey results differ from the prior deed information in regard to course, distance, location or quantity, the plat shall indicate such differences or discrepancies.

10. Where separate intricate details, blowups or inserts are required for clarity, they shall be properly referenced to the portion of the map where they apply. This applies particularly to areas where lines of occupation do not conform to deed lines and to areas where a comparison of adjoining deeds indicates the existence of a gap or an overlap.

11. Cemeteries and burial grounds known by the surveyor to be located within the premises being surveyed shall be indicated on the plat. However, a detailed survey of the limits of the cemetery shall not be required unless directed by the client.

12. When the purpose of the survey dictates, properties, water courses and rights-of-way surrounding, adjoining, or severing the surveyed site shall be identified. Private lands or servitudes should be labeled with the name of the owner or with a reference to the deed under which ownership is held, provided that such information is furnished by the client.

13. Original section, grant, subdivision or survey lines, when an integral part of the deed, shall be shown in proper location with pertinent labeling. A measurement of course and distance must be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

14. Differing line weights or delineating letters or numbers (A, B, C, etc. or 1, 2, 3, etc.) shall be used to clearly show the limits of what is being surveyed.

15. Each plat, map or drawing shall show the following:

a. caption or title;

b. client and/or purpose;

c. general location of the property (or vicinity map);

d. the date of the survey;

e. the name, location and license number of the professional land surveyor; and

f. signature and impression seal of the professional land surveyor under whose direction the survey was done.

16. Final plats or maps issued to the client must contain a certificate signed and sealed by the professional land surveyor certifying its authenticity (that it represents his/her

survey) and stating that the survey is in accordance with the applicable standards of practice as stipulated in this publication based on the current survey "classification" (see §2905 on Classification of Surveys).

H. Descriptions. A written legal description of the surveyed tract of land must provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. When the surveyed property's dimensions, boundaries and area are in agreement with the existing recorded deed or platted calls, the existing recorded description may be used if it approximates the standards contained herein.

2. When the property is an aliquot part of a rectangular section or a lot in a platted subdivision, the aliquot method or the lot, block and subdivision method (including recordation data) of describing the property can be used. Metes and bounds descriptions of this type of property are optional.

3. Every aliquot description must contain the following basic information: aliquot part of section, township, range, parish, land district and meridian (if applicable), parish and state.

4. Every subdivision lot description must also contain the following basic information: lot, block, unit (if applicable), name of subdivision, city (if applicable), parish and state.

5. Every metes and bounds description may be written in at least two parts. The first part, called the "General Description," should indicate the general location of the property by naming the particular lot or block, within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the township, range, land district and meridian (if applicable), city (if applicable), parish and state. The second part called the "Particular Description," shall logically compile and incorporate calls for the following:

a. courses and distances of the new survey, preferably in a clockwise direction;

b. adjoining apparent rights-of-way or servitudes;

c. monuments (when controlling), including descriptions of type, size, material, reference monuments (if applicable), and whether found, set or replaced;

d. parenthetical deed calls where the deed calls differ from the new survey; and

e. the area, if stated, shall be in square feet or acres or hectares within the tolerances specified in this Chapter.

6. The "Point of Beginning" should be the property corner that is most accessible and most easily identifiable by interested parties. This point shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point. The "Commencing Point" shall be any identifiable point used to locate the "Point of Beginning."

7. The courses in the written description shall be as brief and yet as explanatory as the land surveyor can construct. Brevity should not cause important locative information to be omitted, and explanatory phrases should not enlarge the description to the extent of confusion.

8. Curved boundaries shall be identified as tangent or non-tangent curves, and sufficient data to define the curve shall be presented.

9. Each metes and bounds description must return to the Point of Beginning and close mathematically within the tolerances stated in this Chapter.

10. A statement at the end of the description should connect the description to the specific survey on which it is based and to the map or plat which depicts the survey. Such a statement may be phrased:

"This description is based on the boundary survey and plat made by _____ (name) _____ Professional Land Surveyor, dated _____," or

"This description is based on plat recorded _____ (give recordation data)."

11. The metes and bounds description shall then be signed and sealed by the land surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 19:48 (January 1993), LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004).

§2909. Accuracy Specification and Positional Tolerances

Condition	A	B	C	D	Remarks And Formula
	Urban Business District	Urban	Suburban	Rural	
Unadjusted Closure (maximum allowable)	1:15,000	1:10,000	1:7,500	1:5,000	Traverse Loop or between Control Monuments
Angular Closure (maximum allowable)	10"√N	15"√N	25"√N	30"√N	N = Number of Angles in Traverse
Accuracy of Bearing	± 15 Sec.	± 20 Sec.	± 30 Sec.	± 40 Sec.	In Relation to Source
Linear Distances Accurate to: (maximum allowable)	0.05 ft ± ± 0.05 ft per 1,000 ft	0.05 ft ± ± 0.1 ft per 1,000 ft	0.07 ft + ± 0.15 ft per 1,000 ft	0.1 ft + ± 0.2 ft per 1,000 ft	Applies when the Distance is not part of a Closed Traverse
Positional Tolerance and Positional Accuracy of any Monument (maximum)	0.1' + AC/15,000	0.1' + AC/10,000	0.1' + AC/7,500	0.2' + AC/5,000	AC = Length of Any Course*
Calculation of area - Accurate and carried to nearest _____ (decimal place) of an acre	0.001 0.001 0.01 0.1	0.001 0.001 0.01 0.1	0.001 0.01 0.1 0.2	0.001 0.01 0.1 0.3	To 1 acre To 10 acres To 100 acres To 1,000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	0.2 ft.	0.3 ft.	0.4 ft.	0.5 ft.	Based on Accepted Local Datum
Location of Improvements, Structures, Paving, etc. (Tie Measurements) Adjusted Mathematical Closure to Survey (Minimum)	± 0.1 ft. 1:50,000	± 0.2 ft. 1:50,000	± 0.5 ft. 1:50,000	± 1 ft. 1:50,000	

*Short courses in categories "A" and "B" may generate positional errors of less than 0.01 feet. A minimum course distance of 200 feet should be used in calculating positional error.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1068 (December 1990), amended LR 22:716 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1046 (July 2001), LR 30:1729 (August 2004).

Chapter 31. Continuing Professional Development (CPD)

§3101. Introduction

A. This Chapter provides for a continuing professional development (CPD) program to insure that all professional engineers practicing engineering and professional land surveyors practicing land surveying be informed of those technical and professional subjects necessary to safeguard life, health and property and promote the public welfare. Beginning on January 1, 1999, every licensee shall meet the

continuing professional development requirements of this Chapter as a condition for license renewal.

B. The primary purpose of licensing for professional engineers and professional land surveyors is to protect the public from unqualified or unethical practitioners. The requirement for continuing professional development is also intended to protect the public by reinforcing the need for lifelong learning in order to stay more current with changing technology, equipment, procedures, processes, tools, and established standards. This Chapter provides flexibility in selecting among a broad range of activities that are intended to strengthen or maintain competency in technical, managerial (business) or ethical endeavors. Licensees are encouraged to select meaningful CPD activities which will be of benefit in the pursuit of their chosen fields.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1046 (July 2001), LR 30:1729 (August 2004).

§3103. Definitions

A. Terms used in this Chapter are defined as follows.

Acceptable Activity Subject matter which is technical in nature or addresses business management practices, professional ethics, quality assurance, codes or other similar topics which facilitate the licensee's professional development as a professional engineer or professional land surveyor, and/or serves to safeguard life, health and property and promote the public welfare. Any *Course/Activity* offered or approved by a *Board-Approved Sponsor/Provider* will qualify as an *Acceptable Activity* (see definition of *Board-Approved Sponsor/Provider*). It will be the responsibility of the licensee to determine if a *Course/Activity* offered by an unapproved sponsor/provider is an *Acceptable Activity*.

Board The Louisiana Professional Engineering and Land Surveying Board.

Board-Approved Sponsor/Provider The Louisiana Engineering Society; the Louisiana Society of Professional Surveyors; professional and technical engineering or land surveying societies; federal, state or local governmental agencies; colleges or universities; and any individual, firm or educational institution approved by the board on a case-by-case basis. All sponsors/providers must conduct courses which will enhance and improve a licensee's professional development as a professional engineer or a professional land surveyor, and/or serve to safeguard life, health and property and promote the public welfare. Failure to do so will be grounds for the board to revoke its sponsorship/provider approval.

Continuing Education Unit (CEU) A unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of in-class time in approved continuing education courses.

Continuing Professional Development (CPD) The educational process whereby a professional engineer or professional land surveyor licensee engages in a continuing program to maintain, improve or expand skills and knowledge.

Course/Activity Any program with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice.

Dual Licensee A person who is licensed in both land surveying and one or more disciplines of engineering.

License Status

a. **Active Status** A licensee of the board as defined in §2103.

b. **Expired Status** A licensee of the board as defined in §2103.

c. **Inactive Status** A licensee of the board as defined in §2103.

d. **Retired Status** A licensee of the board as defined in §2103.

Professional Development Hour (PDH) A nominal contact hour of instruction, presentation, or activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1047 (July 2001), LR 30:1730 (August 2004).

§3105. Requirements

A. During each biennial licensure renewal period, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 30 PDHs in engineering related activities.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.

2. A minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

B. During each biennial licensure renewal period, every professional land surveyor licensee is required to obtain 15 PDHs in land surveying related activities.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. A minimum of two PDHs shall be earned in the Minimum Standards for Property Boundary Surveys in Louisiana.

C. During each biennial licensure renewal period, each dual licensee shall obtain 30 PDHs; however, at least one-third of the PDHs shall be obtained separately for each profession.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer and/or professional land surveyor.

2. A minimum of two PDHs shall be earned in the Minimum Standards for Property Boundary Surveys in Louisiana.

3. A minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

D. Excess PDHs

1. If a licensee exceeds the biennial licensure renewal period requirements, a maximum of 15 PDHs may be carried forward into the subsequent biennial licensure renewal period.

2. Excess PDHs may include, without limitation, those obtained in professional ethics, Minimum Standards for Property Boundary Surveys in Louisiana, Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines.

E. Licensees will be required to verify compliance with these CPD requirements at the end of their first full biennial licensure renewal period which begins after the effective date of these rules and at the end of each subsequent biennial licensure renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1047 (July 2001), LR 30:1730 (August 2004).

§3107. Reciprocity/Out-of-Jurisdiction Resident

A. The CPD requirements for Louisiana will be deemed as satisfied when a non-resident engineer or land surveyor provides evidence of having met the requirements of the licensee's resident jurisdiction; provided, however, that as part of satisfying these requirements, non-resident licensees must meet the professional ethics requirements of §3105.A.5 or §3105.B.1, as applicable, non-resident licensees practicing engineering in Louisiana who design buildings and/or building systems in Louisiana must meet the requirements of §3105.C.3, as applicable, and non-resident licensees practicing land surveying in Louisiana must meet the requirements of §3105.B.2.

B. If the non-resident engineer or land surveyor resides in a jurisdiction that has no CPD requirements applicable to that licensee, the licensee must meet all requirements of Louisiana as set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004).

§3109. Exemptions

A. A licensee may be exempt from the CPD requirements for any one of more of the following reasons.

1. New licensees shall be exempt at their first renewal. Compliance with the CPD requirements must be certified upon the licensee's second renewal and thereafter.

2. Licensees serving on active duty in the armed forces of the United States for a period of time exceeding 180 consecutive days in a biennial licensure renewal period shall be exempt from obtaining the PDHs required during that biennial licensure renewal period.

3. Licensees experiencing physical disability, serious illness, or serious injury of a nature and duration which has prevented the licensee from completing his/her CPD requirements for the past renewal period may be exempted from CPD requirements for said renewal period. Supporting documentation such as a letter from a physician who has treated the disability, illness or injury is required. This letter shall be on the letterhead of the physician and set forth the nature of the disability, illness or injury and the period of time under treatment by the physician, and contain a statement by the physician as to any limitations placed upon the licensee which would limit his ability to complete any type of CPD. This exemption may be granted for one biennial licensure renewal period. Additional exemptions for medical reasons may be granted on a case-by-case basis.

4. Licensees working outside of the United States for more than 180 days in a biennial licensure renewal period where the completion of CPD is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from CPD requirements for the period of time the licensee is in the foreign location. Supporting documentation of the foreign assignment must be provided by the employer on the employer's letterhead or by other documentation satisfactory to the board. The letter shall at a minimum set forth both the location and the period of time the person has been in the foreign location.

5. Licensees who certify their status as *Inactive* on the board-approved renewal form and who further certify that they are no longer offering or practicing professional engineering and/or professional land surveying in Louisiana shall be exempt. In the event such a person elects to return to *Active Status*, the licensee must meet the requirements set forth in §3121.

6. Licensees who certify their status as *Retired* on the board-approved renewal form and who further certify that they are no longer offering or practicing professional engineering and/or professional land surveying in Louisiana shall be exempt. In the event such a person elects to return to *Active Status*, the licensee must meet the requirements set forth in §3121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004).

§3111. Determination of Credit

A. PDHs may be earned as indicated in §3113 for the following *Acceptable Activities*:

1. successful completion of college courses, correspondence courses, continuing education courses, seminars, tutorials, short courses and/or by teaching/instructing these items;

2. attending or presenting qualifying seminars; in-house courses sponsored by corporations, governmental agencies or other organizations; workshops; or professional/technical presentations made at meetings, conventions, or conferences;

3. obtaining teaching credit for teaching/instructing or presenting. To obtain credit for teaching/instructing or presenting, licensees must be able to document that research and preparation were necessary, such as in the case of first-time teaching;

4. membership in engineering and land surveying professional associations or technical societies;

5. authoring and publishing articles in engineering or land surveying journals;

6. obtaining patents; and

7. formal, documented problem preparation for NCEES or state professional exams.

B. PDHs may not be earned through informal, non-structured activities such as reading technical journals.

C. The board has final authority with respect to the acceptability of courses, PDH credit, PDH value for courses, and other methods of earning credit. PDH credit for acceptable college or correspondence courses may be based upon course credit established by the college or school.

D. Selection of activities is the responsibility of the licensee; however, guidance is available from the board (see §3103 *Acceptable Activity*, and §3111.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation

and Development, Professional Engineering and Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004).

§3113. Units

A. The conversion of other units of credit to PDHs is as follows:

1. one college or unit semester hour = 45 PDHs;
2. one college or unit quarter hour = 30 PDHs;
3. one continuing education unit = 10 PDHs.

B. PDH credit will be awarded as follows:

1. fifty contact minutes of instruction or verified attendance at an activity, or problem preparation for a NCEES or state professional exam = one PDH. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for problem preparation;

2. membership in engineering and land surveying professional associations or technical societies = one PDH per biennial licensure renewal period for each professional or technical association or society. A maximum of three PDHs will be allowed per biennial licensure renewal period for all such memberships;

3. in accordance with §3111.A.1-3, credit for teaching or making presentations may be earned at twice the PDHs allowed for attending a course, but shall not exceed 30 PDHs in any biennial licensure renewal period;

4. authoring and publishing peer reviewed (refereed) articles/papers in engineering or land surveying journals = 10 PDHs;

5. authoring and publishing non-peer reviewed (nonrefereed) articles/papers in engineering or land surveying journals = 5 PDHs;

6. each patent = 10 PDHs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1048 (July 2001), LR 30:1732 (August 2004).

§3115. Record Keeping

A. All licensure renewal applications will require the completion of a board-approved renewal form. By completing and returning this form, the licensee is certifying that he/she has met all requirements for licensure renewal, including CPD requirements. This form will also contain an affirmation which must be completed if the licensee desires to change his/her license status.

B. In addition, the licensee will be required to maintain the board-approved Professional Development Activity Log outlining PDHs claimed. The licensee must complete all sections of the form and be prepared to submit the completed form and any corresponding documentation to the board upon request. Blank forms can be obtained from the board's website.

C. Maintaining records to be used to support PDHs claimed is the responsibility of the licensee. These records must be maintained for at least three consecutive biennial licensure renewal periods (six years) and copies may be requested by the board at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004).

§3117. Audit and Review of Records

A. The board may request, at any time, that a licensee provide proof of compliance with all CPD requirements.

B. Additionally, the board will conduct random audits of biennial renewals of up to 30 percent of all board licensees.

C. Additionally, the board will require that all licensees against whom formal disciplinary charges are pending in Louisiana provide proof of compliance with all CPD requirements.

D. Should the licensee fail to provide proof of compliance, or if discrepancies or deficiencies are discovered as the result of any of the reviews provided for in §3117.A-C, the licensee will be deemed not in compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004).

§3119. Failure to Comply

A. When a licensee is deemed not in compliance with the CPD requirements of the board, the licensee will be so notified and will be given 120 days to satisfy the board requirements. The licensee must provide documented evidence of compliance accompanied by payment of an administrative fee of \$200. Failure to comply will subject the licensee to disciplinary action as provided in the licensure law.

B. CPD hours acquired and used to satisfy a not-in-compliance situation may not be used to meet the CPD hours required for the current licensure renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004).

§3121. CPD Reinstatement

A. To become reinstated, an *Expired*, *Inactive*, or *Retired* licensee must show proof of having obtained all delinquent PDHs; however, the maximum number required will be the number of PDHs required for one biennial licensure renewal period as provided in §3105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004).

Chapter 33. Disciplinary and Enforcement Proceedings

§3301. Disciplinary and Enforcement Proceedings

A. Any disciplinary or enforcement proceedings initiated by or with the board will be governed by the substantive and procedural provisions of the licensure law and by the provisions of the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:117 (May 1979) amended LR 6:149 (April 1980), LR 7:649 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1049 (July 2001), LR 30:1733 (August 2004).

Benjamin S. Harrison
Acting Executive Secretary

0408#016

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Cypress Lake and Black Bayou Reservoir
Netting Prohibition (LAC 76:VII.195)

The Wildlife and Fisheries Commission hereby amends a Rule on netting in Cypress Lake and Black Bayou Reservoir in Bossier Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§195. Cypress Lake and Black Bayou Reservoir Netting Prohibition

A. The Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, hoop nets, slat traps, wire nets and fish seines in Cypress Lake and Black Bayou Reservoir, Bossier Parish, Louisiana; provided however there shall be a special season which shall run from November 1 through the end of February of the following year, during which time the use of hoop nets, slat traps and wire nets shall be allowed. All hoop nets, wire nets and slat traps must be removed from the lakes prior to March 1 of each year.

B. Effective with this prohibition, no person shall possess any gill net, trammel net, hoop net, slat trap, wire net or fish seine while on the waters of Cypress Lake or Black Bayou Reservoir except that during the special season, hoop nets, slat traps and wire nets may be possessed. In addition, no person shall take, possess or sell any fish, which was taken with a gill net, trammel net or fish seine from Cypress Lake or Black Bayou Reservoir.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B), R.S. 56:25(A), Act 55, First Extraordinary Session, 2002, State Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:1997 (September 2002), amended LR 30:1733 (August 2004).

Dwight Landreneau
Secretary

0408#048

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Public Oyster Seed Ground Addition Lake Borgne
(LAC 76:VII.513)

The Wildlife and Fisheries Commission does hereby designate additional Lake Borgne Public Oyster Seed Grounds in St. Bernard Parish to be added to the Lake Borgne Public Oyster Seed Ground as described in LAC 76:VII.513. Authority to establish this addition to the Lake Borgne Public Oyster Seed Ground is vested in the Wildlife and Fisheries Commission by R.S. 56:6(12) and R.S. 56:434(A).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§513. Public Oyster Seed Ground Addition Lake Borgne

A. The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point latitude 30° 04'48.216" north, longitude 89° 29'02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point latitude 29° 56'46.459" north, longitude 89° 42'51.039" west on the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point latitude 30° 01'39.731" north, longitude 89° 43'01.767" west on the northern shoreline of Lake Borgne; thence northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River latitude 30° 10'39.633" north, longitude 89° 31'53.828" west; thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point latitude 30° 10'52.888" north, longitude 89° 31'53.736" west on the western shoreline of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 latitude 30° 11'00.429" north, longitude 89° 31'28.187" west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56'46.459" north, longitude 89° 42'51.039" west; thence westerly along the shoreline of Lake Borgne to latitude 29° 55'54.300" north, longitude 89°

47= 57.000@ west; thence north to latitude 30° 00= 46.000@north, longitude 89° 47=57.000@west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude 30° 00=46.000@north, longitude 89° 42' 59.799" west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56=46.459@north, longitude 89° 42=51.039@west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 01=18.470@north, longitude 89° 35= 03.662@west; thence southwesterly to latitude 29° 53= 22.749@north, longitude 89° 42=12.538@west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56=12.711@north, longitude 89° 44=11.750@ west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01=25.814@ north, longitude 89° 34=51.025@west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04=01.816@north, longitude 89° 30=22.277@west; thence southerly to latitude 30° 02=25.177@north, longitude 89° 30=22.277@west; thence southwesterly to latitude 30° 00=26.497@north, longitude 89° 34=05.521@west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:1733 (August 2004).

Dwight Landreneaux
Secretary

0408#047

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Spanish Lake State Game and Fishing Preserve
(LAC 76.III.329)

The Wildlife and Fisheries Commission does hereby amend a Rule for the Spanish Lake State Game and Fishing Preserve.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries

Chapter 3. Particular Game and Fish Preserves and Commissions

§329. Spanish Lake State Game and Fishing Preserve

A. General

1. Parking is restricted to designated parking areas.
2. The levee road will have one-way traffic with the entrance at the boat ramp and the exit on Bernard Drive.
3. ATV's (three wheelers and four wheelers) and motorbikes are prohibited on the levee.
4. Discharge of any firearms on the levees is prohibited.
5. Overnight camping is prohibited, except by special permit issued by Spanish Lake Game and Fishing Preserve Commission for supervised groups only.
6. The possession or use of commercial nets, including hoop nets, trammel nets, gill nets and fish seines, is prohibited, except by special permit issued by the Department of Wildlife and Fisheries.
7. No trapping of furbearing animals, except by special permit issued by the Department of Wildlife and Fisheries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:721 et seq., R.S. 56:801 and R.S. 36:610.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 23:872 (July 1997), amended LR 30:1734 (August 2004).

Dwight Landreneau
Secretary

0408#049

Notices of Intent

NOTICE OF INTENT

Department of Civil Service Civil Service Commission

Election of Employee Member of
State Civil Service Commission
(LAC 40:XXVII.101)

Editor's Note: The following Section has been moved from Title 8 to Title 40 in accordance with the Office of the State Register's uniform system of codification.

In accordance with the provisions of R.S.42: 1357 (B), the Director of State Civil Service proposes to amend the rules contained in Section 101 affecting the election of the employee member of the State Civil Service Commission. The last election was held in 1999. The amendments are necessary to comply with revisions made to RS: 42.1351 through 1360 since the 1999 election and to prepare for the upcoming election, the call for which will be issued January 3, 2005.

Specifically, it is proposed that Paragraphs C.1, C.2, D.1 through D.11 and E.1 of the current Section be amended. The current Rule mandates an election process conducted by the Department of Civil Service with manual ballot collection and vote counting and requires that votes be cast by paper ballot. The revisions recently made to R.S. 42: 1351 through 1360 and the proposed amendments to section 101 allow for voting by telephone, Internet or other acceptable electronic means in addition to paper ballots submitted by mail. Furthermore, the revised statute and proposed amendments require that the Director of Civil Service supervise and be responsible for the election but allow him to contract with a vendor to conduct the election and provide electronic counting and tabulation of election results.

Title 40

LABOR AND EMPLOYMENT

Part XXVII. Civil Service Commission

Chapter 1. Public Officials and Employees

§101. Election of Employee Member of the State Civil Service Commission

A. Qualifications: Term of Office

1. The classified employee member of the State Civil Service Commission shall be a full-time, permanent employee in the classified state service for a period of one year prior to the date on which he qualifies as a candidate and shall serve a term of six years unless serving to fill the unexpired term of a vacancy.

2. The classified employee eligible to fill an unexpired term will take office after notification of a vacancy by the director of Civil Service to the secretary of state and upon certification by the secretary of state, who shall certify in accordance with law. That employee will serve until a new regular election is conducted to elect a successor.

B. Call for Election

1. The director of State Civil Service shall post on the date it is issued the call for election on bulletin board(s) at the office of the director of State Civil Service and on the web site maintained by the Department of State Civil Service. It shall remain posted until the final day for qualification as a candidate has passed. A copy of the call shall be delivered to the secretary of state for publication in the official state journal.

C. Nominations

1. Candidates for election to the office of Classified Employee Member of the State Civil Service Commission must include on the nomination petition their name as it is to appear on the ballot, their position classification (job), the department, agency, board or commission at which employed, their home address, and their Social Security Number or any other personal identification number designated by the director of Civil Service.

2. The nominating petition shall include the signature, printed name, Social Security Number or any other personal identification number designated by the director of Civil Service, and the department, agency, board or commission of each employee signing the petition.

3. The director of State Civil Service, or his designated representative, shall examine the nominating petition of each candidate on receipt, determine whether the person nominated is eligible or ineligible and that the petition is valid or invalid on its face, and so notify the candidate of his decision within 24 hours of the receipt of the petition by mailing such notification to the candidate's home address.

4. A candidate may withdraw his name from nomination by notifying the director of State Civil Service in writing prior to the end of the qualifying period.

D. Conduct of Election

1. All eligible candidates shall have their names listed on the ballot in alphabetical order of their last name, exactly as it appears on the nominating petition.

2. Ballots will contain instructions for voting, information about each candidate whose name appears on the ballot, and the final date for voting.

3. Instructions shall contain directions about the secrecy of the balloting process with reference to state law providing for punishment for violating that secrecy.

4. Ballots shall be mailed to every employee who is qualified to vote using the last mailing address reported by the appointing authority to the Department of Civil Service.

5. The Director of Civil Service shall supervise and be responsible for the election to ensure that it is conducted in accordance with the requirements of R.S. 42:1351 through 1360.

6. Balloting may be conducted electronically or by mail. Electronic means shall be via telephone, via Internet or by any other acceptable electronic means.

7. The election process will include verification that each person casting a vote is qualified to vote and that no voter casts more than one vote.

8. The Director of Civil Service may contract with a vendor to conduct the election under the Director's supervision.

E. Report of Results

1. The Director of Civil Service shall provide a written report of certified election results to the State Civil Service Commission and the Secretary of State.

2. A copy of the report shall be posted at the office of the director of State Civil Service and on the Department of State Civil Service web site for five consecutive working days following submission of the report to the secretary of state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1357(B).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Civil Service Commission, LR 24:2077 (November 1998), amended LR 30:

Allen H. Reynolds
Director

Family Impact Statement

In accordance with R.S. 49:972, the proposed amendments to §101 will have no impact on:

1. the stability of the family;
2. the authority and rights of parents regarding 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 a family or a local government to perform the function as contained in the proposed Rule.

Persons interested in making comments relative to these proposals may do so by writing to the director of State Civil Service, P.O. Box 94111, Baton Rouge, LA 70804-9111. Comments must be postmarked no later than September 9, 2004.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Election of Employee Member of State Civil Service Commission

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only costs associated with implementing these rules are the costs of publishing them during Fiscal Year 2004-2005, at a total cost of \$544. There are no savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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)

There will be no cost and/or economic benefit 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.

Allen H. Reynolds
Director
0408#031

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 110 **C** Technology Education Content Standards Curriculum Framework (LAC 28:LXXXI.Chapters 1-33)

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 110 **C** Technology Education Content Standards Curriculum Framework*. Bulletin 110 will be printed in codified format as Part LXXXI of the Louisiana Administrative Code. The proposed Technology Education standards will assist teachers in preparing students for the workplace or further education.

Title 28

EDUCATION

Part LXXXI. Bulletin 110 **C** Technology Education

Content Standards Curriculum Framework

Subpart 1. Standards and Benchmarks

Chapter 1. General Provisions

§101. Purpose

A. Mission Statement. The mission of Technology Education in Louisiana is to cultivate the technological capabilities of students, to prepare them to comprehend and contribute to a technologically sophisticated society, and to foster and encourage professionalism of those engaged in this pursuit.

B. Intended Audience

1. The Louisiana Technology Education curriculum framework is to be used by a broad audience:

- a. technology education teachers;
- b. K-12 teachers;
- c. parents;
- d. school and district administrators;
- e. school board members;
- f. policy makers;
- g. Louisiana Department of Education staff;
- h. college/university faculty/administrators;
- i. business/industry leaders; and
- j. government agency staff.

2. The framework serves as a guide for curriculum and instruction and as a general reference to the concepts and skills taught within Louisiana Technology Education courses. The intended users of the framework include:

1. technology education teachers—to use in planning curriculum, instruction, and assessment;
2. K-12 teachers—to use in identifying ways to incorporate technology education/TSA concepts and skills into curricula;
3. parents—to use as a means of assessing the effectiveness of their children's technology education;

4. school and district administrators and school board members—to use as a vision for technology education and a basis for planning:

- a. resource allocations;
- b. materials purchases;
- c. local curriculum development;
- d. teachers' professional development; and
- e. facility planning;

5. policy makers and State Education staff—to use as a basis for developing:

- a. laws;
- b. policies;
- c. professional development activities/materials;
- d. assessment strategies; and
- e. funding priorities to support local program development;

7. university faculty and administrators—to use as a basis for the content and design of pre-service and in-service teacher education programs and articulation agreements;

8. technical college faculty and administrators—to use as a basis for articulation agreements and program development; and

9. business/industry leaders and government agency staff to use as a basis for developing effective partnerships for supporting technology education programs and professional development.

C. How Teachers should Use this Part XCIII. This Subpart XCIII presents the standards and benchmarks appropriate for Louisiana's Technology Education programs. Local needs will determine the curriculum that should be taught within the local technology education programs. Although teachers will be able to use this framework to guide them in the restructuring of their curricula, this Subpart does not contain specific performance criteria that are essential in technology education. These specific assessment criteria must be developed at the local level.

D. Technology Defined

Technology is the application of knowledge, resources, tools, and skills to solve particular problems and extend human capabilities for useful purposes.

Technology Education is an integrated, experience-based program designed to:

- a. prepare a population that is knowledgeable about technology—its evolution, systems, utilization of techniques, tools, materials and processes, and social and cultural significance.
- b. foster creative thinking, decision making, problem solving, visualizing, knowing how to learn, and reasoning skills.
- c. boost human capabilities and explore career opportunities and job seeking skills.
- d. to apply basic skills of reading, writing, mathematics, listening, and speaking.

E. Technology Education Rationale

1. Technology Education is that segment of the total educational program that provides sequential learner-centered experiences designed to foster:

- a. an understanding of self;
- b. an understanding of the economic system and consumer awareness;
- c. an understanding of the role of technology in our modern society;

d. an awareness of educational and occupational options;

e. an awareness of the managerial, social, historical, and cultural aspects of industry;

f. the development of career interests; and

g. the development of fundamental technical skills in the proper use of common industrial tools, materials, and processes.

2. Technology Education has the obligation to provide programs that:

a. assist in the discovery and development of:

- i. personal aptitudes;
- ii. interests;
- iii. creative technical problem-solving abilities;
- iv. self-reliance;
- v. sound judgment and resourcefulness; and

b. assist in the development of industrial and technological skills necessary for living in a technical society.

3. As a component in the total education program, Technology Education has the responsibility for providing programs that:

a. assist individuals in making informed and meaningful occupational choices in industry and technology;

b. provide occupational information and exploratory experiences pertaining to a broad range of occupations including training requisites, working conditions, salaries or wages, and other relevant information;

c. prepare students for enrollment in advanced career and technical education programs and lifelong learning.

E. Students in Louisiana's schools can benefit from Technology Education programs at both the elementary and secondary levels. Regardless of their gender, ability levels, or handicaps, all students can benefit from Technology Education activities which will assist them in preparing for adult roles in a complex technological society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§103. Definitions

Academic Cross-Reference is a reference to related academic content standards.

Applied Academics is a method of teaching in which the instructor presents subject matter in a way that relates a particular academic discipline to personal workforce application.

Approved Program is a career and technical program that offers at least four of the recommended courses for a career major—two of which must be at the competency level.

Articulation is 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 is 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 is a broad statement of expected skills and knowledge that is used as a reference to develop curriculum and assess student progress.

Career Clusters—broad categories of occupations that form the basis for initial career exploration and discovery.

Career Major—a specific course of study within a broader career cluster. (Example: Accounting within the Business cluster).

Career Path—a plan of study that will enable a student upon graduation, to be employed or enter a postsecondary school with a continuation of skills or course work already started at the high school level.

Career Plan—a student's written plan for career and educational goals while in secondary school and beyond.

Competency Course—a required course in a career major.

Content Standard—a description of what a student should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

Cooperative Learning—an instructional strategy used in many applied academic courses that involves learning in the context of sharing, responding, and communicating with other learners.

Curriculum Framework—an outline of broad goals and standards of a system of education.

Focus Statement—a statement describing the importance of a career major.

Foundation Skills—processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

High Schools That Work—a process model developed by the Southern Regional Education Board (SREB) that focuses on applied learning, integration of academic and vocational content, and school-to-work transitions.

Integrated—refers to combining elements across the strands within a particular content area or framework.

Interdisciplinary—combining elements across content areas in the curriculum.

Lifelong Learning—the concept of continued education and training, formal and informal, throughout one's career.

Portfolios—personalized, sequential career planning journal designed to guide students through career development interests and aptitudes as they progress through school and beyond; including examples of student skill mastery.

Related Elective Course—an additional course offered to complement and enhance opportunities within a career major.

School-Based Learning—program of instruction based on career majors, designed to meet high academic and occupational skill standards, which involves counseling and career exploration, and periodic evaluation of academic strengths and weaknesses.

School-to-Work Transition—a system that enables students to identify and navigate paths to productive and progressively more rewarding roles in the workplace that encompasses three components:

1. school-based learning;
2. connecting activities; and
3. work-based learning.

Skill Standard—the identification of the knowledge, skill, and level of ability needed to satisfactorily perform a given job.

Strands—concepts common to all content areas; strands are interrelated and should be integrated rather than taught in isolation.

Tech Prep—a sequence of study beginning in high school and continuing through at least two years of postsecondary occupational education to prepare students for high skilled jobs that require more than a high school diploma.

Technology—the application of knowledge, resources, tools, and skills to solve particular problems and extend human capabilities for useful purposes.

Technology Education—an integrated, experience-based instructional program designed to:

1. prepare a population that is knowledgeable about technology, its:
 - a. evolution;
 - b. systems;
 - c. utilization of techniques;
 - d. tools;
 - e. materials and processes; and
 - f. social and cultural significance;
2. foster:
 - a. creative thinking;
 - b. decision making;
 - c. problem solving;
 - d. visualizing;
 - e. knowing how to learn; and
 - f. reasoning skills;
3. boost human capabilities and explore career opportunities and job seeking skills;
4. to apply basic skills of:
 - a. reading;
 - b. writing;
 - c. mathematics;
 - d. listening; and
 - e. speaking.

Vocational Completer—a student who successfully completes four courses in a career major:

1. two must be competency courses; and
2. two must be selected from the competency courses and/or identified related electives.

Work-Based Learning—integration of theoretical instruction with a planned program of job training or experiences, paid work experience, workplace mentoring, instruction in general work-place competencies, and updating elements that will engage student interest, develop positive work attitudes, and prepare youth for high-skill, high-wage careers.

Workplace Mentor—an employee at the workplace who possesses the skills to be mastered by a student, and who:

1. instructs the student;
2. critiques the student's performance;
3. challenges the student to perform well; and
4. works in consultation with classroom teachers and the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 3. Goals **§301. All Grade Levels**

A. In providing a sound program of Technology Education for Louisiana schools, clear goals are essential to serve as program guides. While the overriding goal of Technology Education is to assist students in developing toward successful adulthood through the development of

their socio-economic awareness, their interests, their abilities, and their understanding of industry and technology and their potential as citizens, other supporting goals are:

1. to develop in each student an insight and understanding of industry and the free enterprise system and its relationship to society through a coordinated program of study focusing on the principles and practices of industry;

2. to assist students in developing their talents, aptitudes, interests, and potentials. A part of the school's responsibility is to assist each student in developing to their fullest potential;

3. to develop in each student an understanding of industrial processes, the practical application of scientific principles, and modern technology;

4. to develop problem-solving abilities related to the materials, processes, and products of industry. The problem-solving approach as applied in Technology Education involves creative thinking and gives the student an opportunity to apply principles and processes of the scientific method, along with supporting activities, to the solution of problems;

5. to develop in each student skills in the proper and safe use of the tools, materials, and machines common to industrial processes. These skills are acquired through planning, construction, and production activities centered around industrial-technical processes and products;

6. to develop in each student attitudes toward career opportunities that will enhance their chances of success as they progress through the career preparation process, to the end that they are able to make informed career decisions resulting in satisfactory and rewarding job selection.

B. Depending on their content and focus, the goals in Paragraphs 1-6 above are applicable to all grade levels (K-12), to adult programs, and to all segments of the student population including, but not limited to, the gifted, the slow learner, and the handicapped. Technology Education programs should be an articulated set of offerings in both vertical and horizontal directions. This will ensure reasonable content progression and program focus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§303. Elementary Grade Level

A. Technology Education at the elementary grades shall consist of basic industrial and technological problem-solving activities which are appropriate to learning experiences of all elementary school children. Each child can benefit from gaining a clearer understanding of our industrial-technological society. Activities involving the use of tools, materials, and processes should be integrated within the basic curriculum of the elementary school.

B. Specific goals are to develop in the students:

1. an occupational awareness and a positive self-image of themselves as workers;

2. problem-solving abilities;

3. technical awareness;

4. creative abilities and basic skills associated with tools, materials, and processes.

a. Such activities can contribute to the development of logical reasoning powers, psychomotor skills, and cooperative work traits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§305. Middle and Junior High Grade Level

A. Technology Education at the middle/junior high grades should provide a variety of laboratory and classroom experiences with an emphasis on orientation and exploration. The curriculum develops students' aptitudes, abilities, and interests, while at the same time develops their appreciation for technical knowledge. Through "hands-on" experiences, students learn about industry and are thereby provided with the skills useful in making informed and meaningful occupational choices.

B. Three primary goals are:

1. to develop in each student technical competencies, concepts, and basic skills common to industrial-technical materials and processes;

2. to develop in each student an awareness of industry and technology and its effect on a changing, evolving society; and

3. to provide each student with an opportunity to explore:

a. construction;

b. manufacturing;

c. communication;

d. transportation; and

e. other related clusters of industrial activity.

C. Technology Education programs at the middle/junior grades provide students with the opportunity to explore in a "hands-on" way many of the occupational areas associated with industry. This type of activity can be invaluable as students seek to determine those areas that are consistent with their interests and abilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§307. Senior High Level

A. Technology Education at the senior high school level provides concentrated and somewhat specialized technical courses designed to meet the industrially-related consumer needs of secondary students as well as preparing students for enrollment in advanced vocational-technical programs. High school programs may use combinations of general and unit organization as a part of their delivery system. At this level elective options are important because they help students to expand career awareness, technological literacy, consumer skills, and skills and knowledge related to the world of work. Such options play a significant role in assisting students in making job-related decisions as they progress through the formal education system. Students in the upper grades evidence a wide range of interests, abilities, and life goals. With this in mind, designers of Technology Education programs must provide courses that attempt to address the widest possible range of students' needs and interests. In the Technology Education program, not all students will study the same depth or type of content. For example, courses and content may be tailored to a student who may be involved in advanced career-technical training as a portion of the regular high school program.

B. Technology Education at the high school level will address the following types of student needs:

1. to provide basic instruction to meet the needs of three basic groups of students:

a. the elective student who seeks to explore more deeply the career, cultural, and consumer aspects of American industry;

b. those students who will pursue advanced education in areas of career, technical, industrial education, and the applied sciences; and

c. the reluctant learner, the prospective dropout, the culturally unique, and those students who may be entering the labor force either prior to normal graduation or immediately thereafter;

2. to provide the students with practical and realistic learning situations that simulate the industrial and technical world of work;

3. to develop in all students those attitudes and attributes that will assist them in becoming productive members of our technical society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 5. Career Clusters

Subchapter A. Course Offerings

§501. Introduction

A. The course title listing in this Chapter 5 utilizes course title terminology that is descriptive of the courses and has achieved general acceptance on both regional and national levels. The minimum and maximum time specifications provided for in the clusters recognize that in grades 6-8 Technology Education experiences should be of a broad exploratory nature. It further recognizes that time use configurations at those grade levels often makes 36-week elective courses impractical. Where a full 36-week block of time is available, two or more clusters of up to 18 weeks each should be scheduled. The six-week time minimum recognizes that it is very difficult to develop a meaningful program that utilizes a smaller time frame. Where possible, all of the cluster areas listed should be available so that students will have an opportunity to explore the widest possible range of material. The "General Technology Education" course listed for grades 9-12 is specified as a prerequisite to all unit programs except the drafting sequence. It is felt that if students reach this point and have either a limited number of elective hours available or are beginning the first of many Technology Education courses, a good foundation course is essential. By providing basic skills and knowledge in a course that cuts across other unit courses, repetition can be minimized and more time devoted to technical content.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Subchapter B. Technology Education Implementation and Operation

§503. Purpose and Requirements

A. Technology Education (TE) is:

1. an instructional program that provides students (grades 6-12) with hands-on exploratory experiences and insights into technology and career opportunities so that they can make meaningful occupational and educational choices;

2. a program that can help the student to:

a. become technologically literate;

b. develop an understanding of economic development; and

c. adjust to the changing environment;

3. an articulated, integral part of the total academic and vocational education program with emphasis in safety and the use of tools, equipment and materials. Technology Education programs in Louisiana follow the standards for Technology Education programs as developed by the United States Department of Education.

B. The instructional content of Technology Education is drawn from the areas of communication; manufacturing; construction; and power, energy, and transportation. The program assists students in developing understanding and application of:

1. academic and technological concepts, processes, and systems;

2. applying tools, materials, machines, processes, and technical concepts safely and efficiently;

3. developing technological skills in technology; and

4. simulated laboratory instruction.

C. A Technology Education program shall be from the job cluster areas of:

1. communication;

2. manufacturing;

3. construction; and

4. power, energy, and transportation.

D. It is the responsibility of the local school system to select the appropriate cluster(s) to be implemented. A minimum of four units is required for each cluster as follows.

1. The first course in each cluster shall be General Technology Education or Basic Technical Drafting. It is recommended that the first course be General Technology Education.

2. The second and third courses shall be a Basic Technology Education course, followed by an Advanced Technology Education course listed in the course options of the cluster.

3. The fourth course shall be an elective from any of the Technology Education offerings.

E. Technology Education shall be integrated at the most appropriate grade level to best serve the needs of the school. A Technology Education teacher has a certification in Industrial Arts. Schools with two or less full-time Technology Education teachers may offer required courses on an alternating basis in order to meet the requirements for program approval.

F. An approved Technology Education program may consist of a combination of two Technology Education courses and one or two Trade and Industrial Education courses. Technology Education courses would articulate with Trade and Industrial Education courses to create a career path program that would lend itself to Trade and Technical career clusters such as:

1. air conditioning and refrigeration;

2. automotive technology;

3. construction;
4. communications;
5. computer technology;
6. drafting and design technology; and
7. etc.

G. Program options for the Trade and Technical career clusters in Technology Education cannot be listed because of the vast range of possibilities within a local system. However, any local education governing agency desiring to offer a combined Technology Education/Trade and Industrial program shall first have the program approved by the Division of Family, Career and Technical Education, State Department of Education (SDE).

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§505. Communication Technology

A. Communication Technology is designed to provide students with the opportunity to explore the fundamentals of message design, production, and transmission using audio, visual, and audio-visual methods. Included in the activities are career exploration in:

1. manual and computer-aided drafting;
2. drafting;
3. graphic arts;
4. photography;
5. electronic communications; and
6. computer utilization.

B. Course Options

Course Options I		Units
Basic Technical Drafting		1
Advanced Technical Drafting		1
Architectural Drafting		1
Technology Education Elective		1
Course Options II		Units
General Technology Education or Basic Technical Drafting		1
Communication Technology		1
Physics of Technology I & II		1
Technology Education Elective		1
Course Options III		Units
General Technology Education or Basic Technical Drafting		1
Basic Electricity/Electronics		1
Advanced Electricity/Electronics		1
Technology Education Elective		1

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§507. Manufacturing Technology

A. Manufacturing Technology is designed to provide students with information and skills concerning manufacturing processes, organizations, and occupations. It utilizes a variety of materials, computers, robots, tools, and processes needed to simulate the manufacturing industry. It further provides learning and leadership experiences that give the students a current look at the important industrial and technical concepts of today and tomorrow.

Course Options I		Units
General Technology Education or Basic Technical Drafting		1
Basic Metal Technology		1
Advanced Metal Technology or Materials and Processes		1
Technology Education Elective		1
Course Options II		Units
General Technology Education or Basic Technical Drafting		1
Basic Metal Technology		1
Welding Technology		1
Technology Education Elective		1
Course Options III		Units
General Technology Education or Basic Technical Drafting		1
Basic Metal Technology		1
Manufacturing Technology		1
Technology Education Elective		1

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§509. Construction Technology

A. Construction Technology is designed to provide the student with the opportunity to gain a more in-depth understanding of the construction industry and explores construction occupations. It provides construction concepts and activities that simulate management and production practices as they currently relate to the construction industry and other technology areas.

Course Options I		Units
General Technology Education or Basic Technical Drafting		1
Basic Wood Technology		1
Advanced Wood Technology or Materials and Processes		1
Technology Education Elective		1
Course Options II		Units
General Technology Education or Basic Technical Drafting		1
Architectural Drafting		1
Construction Technology		1
Technology Education Elective		1
Course Options III		Units
General Technology Education or Basic Technical Drafting		1
Basic Wood Technology		1
Construction Technology		1
Technology Education Elective		1

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§511. Energy, Power, and Transportation Technology

A. Energy, Power, and Transportation Technology is an overview of the exciting field of the transportation industry. It emphasizes the utilization of power and energy and how these systems are related to transportation technology. The student will have experience with power trainers and small engines and will research the future trends and environmental impact of laser, nuclear, and solar energy.

Course Options I		Units
General Technology Education or Basic Technical Drafting		1
Power Mechanics		1
Physics of Technology I		1
Technology Education Elective		1

Course Options II		Units
General Technology Education or Basic Technical Drafting		1
Power Mechanics		1
Energy, Power, and Transportation		1
Technology Education Elective		1
Course Options III		Units
General Technology Education or Basic Technical Drafting		1
Energy, Power, and Transportation		1
Physics of Technology I & II		1
Technology Education Elective		1

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Subchapter C. Exploratory Technology Education and Curriculum Overview

§523. Grades 6-8

A. Purpose and Scope

1. The technology systems of communication, manufacturing, construction, transportation, and modular technology make up the curriculum direction for the Exploratory Technology Education Program. Each school will integrate the technology education program at the most appropriate grade level to best serve the needs of the local school body, school, and community.

2. All Exploratory Education courses are taught in a one-period block of time, with each of the technology systems being designed to articulate with courses offered in comprehensive high schools (e.g., math, science, agriculture, and family and consumer sciences). Interdisciplinary education is vital to the success of Technology Education Programs.

B. Exploratory Technology Education I. The first exploratory technology education course in which a student participates is identified as the Exploratory Technology Education I course. This course may be offered as a nine-week, 18-week, or 36-week course and is recommended for grade 6.

1. System Options
 - a. Communication
 - b. Manufacturing
 - c. Construction
 - d. Transportation
 - e. Modular Technology

C. Exploratory Technology Education II. Two of the four technology systems are to be implemented for a period of 18 weeks each. It is the responsibility of the local school/program to select which two systems to implement for grade 7.

1. System Options
 - a. Communication
 - b. Manufacturing
 - c. Construction
 - d. Transportation
 - e. Modular Technology

D. Exploratory Technology Education III. Each school program will implement the remaining two technology systems not implemented in the previous technology education course. This level is optional, as some schools may not have appropriate time periods for implementation for grade 8.

1. System Options
 - a. Communications
 - b. Manufacturing
 - c. Construction
 - d. Transportation
 - e. Modular Technology

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Chapter 7. Course Offerings

NOTE: Technology Education courses shall be taught in sequence as outlined in Bulletin 741. Safety must be taught in all courses. Refer to Bulletin 1674 for safety information.

Subchapter A. Middle School

§701. Middle School Exploring Technology Education

A. Middle School Exploring Technology Education course offerings shall be as follows.

Course Title	Received Grade Level	Unit(s)
Manufacturing Technology	6-8	1
Construction Technology	6-8	1
Communication Technology	6-8	1
Transportation Technology	6-8	1
Modular Technology	6-8	1

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Subchapter B. Senior High School Technology Education

§711. Senior High School

A. Senior High School Technology Education course offerings shall be as follows.

Course Title	Received Grade Level	Unit(s)
General Technology Education	9-12	1
Basic Wood Technology	9-12	1
Advanced Wood Technology	10-12	1
Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	12	3
Basic Electricity/Electronics	9-12	1
Advanced Electricity/Electronics	10-12	1
Basic Metal Technology	9-12	1
Advanced Metal Technology	10-12	1
Welding Technology	10-12	1
Energy, Power, and Transportation Technology	9-12	1
Power Mechanics	9-12	1
Manufacturing Technology	9-12	1
Basic Technical Drafting	9-12	1/2
Advanced Technical Drafting	10-12	1
Architectural Drafting	10-12	1
Physics of Technology I & II	11-12	1
Materials and Processes	10-12	1
Technology Education Computer Applications	9-12	1
Technology Elective I & II	9-12	1/2, 1 and 2
Technology Internship I	11-12	2
Technology Internship II	12	2

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Subchapter C. Philosophy and Curriculum

§721. Philosophy and Curriculum Structure

A. Technology Education is a practical, activity-oriented, laboratory-based program for all high school students. It is an integrated curriculum encompassing knowledge and skills across technology systems, with emphasis on new and emerging technology.

B. Technology programs are designed to provide high school students with a broad base of knowledge and flexibility needed to function efficiently in a technological society.

C. As future leaders, students need an understanding of technology to enable them to make informed decisions that will improve society and protect the environment.

D. The knowledge needed for making future judgments of technology requires lifelong learning skills, which are acquired through a continuous process of applying new knowledge to unique problems.

E. Technology teaches critical-thinking skills through the use of problem-solving techniques.

F. Technology programs enable all high school students to learn about the technology that affects their lives.

G. Technology Education programs provide high school students with the basis for making wise career choices and developing career plans/paths.

H. Technology Education is designed as a fundamental component of the curriculum for all high school students.

I. Career-technical performance standards and model curriculum integrated performance activities for Technology Education are presented in this Part XCIII.

J. Technology Education provides students with the opportunity to explore, research, and shadow careers related to their interests. This will encourage them to become more productive workers, responsible citizens, and create marketable employees to meet the needs of industry.

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Chapter 9. School-to-Work

§901. School-to-Work Transition

A. The School-to-Work Opportunities Act establishes a national framework to broaden the educational, career, and economic opportunities for all youth through partnerships between businesses, schools, community-based organizations, and state and local governments.

1. Workplaces become active learning environments.
2. Employers become joint partners with educators to train students.
3. Schools challenge students to higher academic and skill standards.

B. School-to-work opportunities grow from strong partnerships at the state and local community level that design and implement systems tailored to meet specific needs. School-to-work systems contain three core elements:

1. school-based learning;
2. work-based learning; and

3. connecting activities.

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§903. Workplace Skills Education and Training

A. Strategies for better educating students for the workplace include:

1. career research and information beginning in early grades;
2. applied academic courses that present subject matter in a way that connects abstract knowledge to workplace applications using cooperative learning strategies;
3. integration of vocational and academic subjects;
4. counseling and career pathways to focus students in their choice of courses to study;
5. articulation between secondary and postsecondary education;
6. collaborative partnerships between education, business, labor, and communities in the total education experience of students; and
7. integration of school-based and work-based learning through:
 - a. vocational cooperative programs provides school-supervised work experiences;
 - b. apprenticeships on-the-job training and related instruction;
 - c. career academies (school within a school) integrates academic and vocational courses and provides workplace learning in a particular career focus area;
 - d. job shadowing provides information about a job or position through the student following or "shadowing" a worker for a short period of time;
 - e. job mentoring provides more specific job information and actual work experience as a student is assigned to an adult worker (mentor) who models workplace behavior, skills, and training in a one-to-one relationship;
 - f. school-based enterprises work simulation within the school in the form of stores, print shops, child care centers, etc., operated by the students;
 - g. work simulation provides work experience either in the classroom or in the community through simulated work experiences;
 - h. volunteer service programs provides the opportunity to gain employability and work skills outside the classroom through experiences in developing and improving the community; and
 - i. vocational student organizations provides work-based experiences for students through formalized events, demonstrations, volunteer work, and leadership training.

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Chapter 11. Information Literacy Model

§1101. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the twenty-first 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 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 twenty-first 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:

- a. the school library media center;
- b. community libraries and agencies;
- c. resource people; and
- d. others as appropriate.

3. **Extracting and Recording.** Students examine the resources for readability, currency, usefulness, and bias. This task involves:

- a. skimming or listening for key words;
- b. “chunking”;
- c. reading;
- d. finding main ideas; and
- e. 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.:

- a. research report;
- b. project;
- c. illustration;
- d. dramatization;
- e. portfolio;
- f. book report;
- g. map;
- h. oral/audiovisual presentation;
- i. game;

- j. bibliography;
- k. hyper stack.

7. **Evaluating Efforts.** Throughout the information problem-solving process, students evaluate their efforts. This 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.

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Chapter 13. Foundation Skills

§1301. Louisiana Content Standards Foundation Skills

NOTE: Within this Part XCIII, the foundation skills are listed numerically in parentheses after each benchmark.

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:

- a. reading;
- b. writing;
- c. speaking;
- d. listening;
- e. viewing; and
- f. 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:

- a. pen, pencil, paper;
- b. audio/video materials;
- c. word processors;
- d. computers;
- e. interactive devices;
- f. telecommunications; and
- g. 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:

- a. working respectfully and productively together for the benefit of the individual and the community;
- b. being accountable for one's civil, constitutional, and statutory rights; and
- c. mentoring others to become productive citizens and lifelong learners.

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Chapter 15. International Technology Education Association Standards

§1501. Standards for Technological Literacy/Content for the Study of Technology

A. Introduction

1. Standards for Technological Literacy: Content for the Study of Technology (Technology Content Standards) was published by the International Technology Education Association (ITEA) and its Technology for All Americans Project (TfAAP) in April 2000. It defines what students should know and be able to do in order to be technologically literate and provides standards that prescribe what the outcomes of the study of technology in grades K-12 should be.

2. The International Technology Education Association (ITEA) Content Standards have been found to be strands that are intertwined throughout the Louisiana Technology Education Content Standards. Both sets of standards parallel each other and establish the requirements for technological literacy.

3. Technology Content Standards will help ensure that all students receive an effective education about technology by setting forth a consistent content for the study of technology.

4. Within this Part XCIII, the appropriate ITEA standards are cross-referenced to the Louisiana Technology Education Standards.

B. Why Technology Content Standards are Important

1. Technology literacy enables people to develop knowledge and abilities about human innovation in action.

2. Technology Content Standards establishes the requirements for technological literacy for all students-kindergarten through grade 12.

3. Technology Content Standards provides qualitative expectations of excellence for all students.

4. Effective democracy depends on all citizens participating in the decision-making process. Because so many decisions involve technological issues, all citizens need to be technologically literate.

5. A technologically literate population can help our nation maintain and sustain economic progress.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§1503. International Technology Education Association Content Standards

A. The Nature of Technology

1. Standard 01. Students will develop an understanding of the characteristics and scope of technology.

2. Standard 02. Students will develop an understanding of the core concepts of technology.

3. Standard 03. Students will develop an understanding of the relationships among technologies and the connections between technology and other fields of study.

B. Technology and Society

1. Standard 04. Students will develop an understanding of the cultural, social, economic, and political effects of technology.

2. Standard 05. Students will develop an understanding of the effects of technology on the environment.

3. Standard 06. Students will develop an understanding of the role of society in the development and use of technology.

4. Standard 07. Students will develop an understanding of the influence of technology on history.

C. Design

1. Standard 08. Students will develop an understanding of the attributes of design.

2. Standard 09. Students will develop an understanding of engineering design.

3. Standard 10. Students will develop an understanding of the role of:

- a. troubleshooting;
- b. research and development;
- c. invention and innovation; and
- d. experimentation in problem solving.

D. Abilities of a Technological World

1. Standard 11. Students will develop abilities to apply the design process.

2. Standard 12. Students will develop abilities to use and maintain technological products and systems.

3. Standard 13. Students will develop abilities to assess the impact of products and systems.

E. The Designed World

1. Standard 14. Students will develop an understanding of and be able to select and use medical technologies.

2. Standard 15. Students will develop an understanding of and be able to select and use agricultural and related biotechnologies.

3. Standard 16. Students will develop an understanding of and be able to select and use energy and power technologies.

4. Standard 17. Students will develop an understanding of and be able to select and use information and communication technologies.

5. Standard 18. Students will develop an understanding of and be able to select and use transportation technologies.

6. Standard 19. Students will develop an understanding of and be able to select and use manufacturing technologies.

7. Standard 20. Students will develop an understanding of and be able to select and use construction technologies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

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Chapter 17. Content Standards

§1701. Middle School Standards

A. Technology education content standards for middle schools are as follows.

1. M1. Explore areas of the manufacturing process from research and development to marketing the product.

2. M2. Explore areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction.

3. M3. Communicate ideas and information through experiences in the:

- a. drafting;
- b. design;
- c. printing;
- d. photography;
- e. telecommunications; and
- f. computers.

4. M4. Explore transportation technology, past, present, and future, and be able to discuss the selection and uses of transportation technologies.

5. M5. Develop an understanding of various technology systems through modular computer assisted instruction.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§1703. High School Standards

A. Technology education content standards for high school shall accomplish the following:

1. provide students with the opportunity to explore various technical careers through contemporary and/or modular Technology Education activities;

2. understand and apply the basic concepts that are common to the broad field of technical drawing;

3. prepare detailed drawings including:

- a. developments;
- b. intersections;
- c. charts;
- d. diagrams;
- e. threads;
- f. fasteners;
- g. descriptive geometry;
- h. auxiliary;
- i. revolutions;
- j. CAD; and
- k. specialized areas;

4. demonstrate the ability to complete a set of working drawings for home construction;

5. communicate ideas and information through experiences dealing with:

- a. drafting;
- b. design;
- c. printing;
- d. photography;
- e. telecommunication; and
- f. computers.

6. understand and apply the principles of electricity and electronics through laboratory learning experiences.

7. develop a career interest in electronics through course content centered around:

- a. semiconductor devices;
- b. application of digital electronics;
- c. computers; and
- d. communication circuits;

8. explore all areas of the manufacturing process from research and development to marketing the final product;

9. develop an understanding of industrial materials and how they are processed to increase their value. Emphasis will be placed on proper materials selection for particular products and appropriate manufacturing processes;

10. develop an understanding of the seven major fields of basic metals:

- a. bench metal;
- b. sheet metal;
- c. art metal;
- d. ornamental metal;
- e. forging;
- f. casting; and
- g. welding;

11. be able to use the tool instruments and machines in the metalwork advanced lab of the following areas:

- a. sheet metal;
- b. metallurgy;
- c. casting;
- d. welding;
- e. machining;
- f. material testing;
- g. finishing; and
- h. safety;

12. develop an understanding of traditional concepts in welding and demonstrate proficiency in:

- a. fusion process;
- b. components;
- c. weld testing and inspection; and
- d. automated welding systems;

13. develop an understanding of the construction industry from the initial planning stage to completion of light, heavy, industrial, and civil construction;

14. explore the fundamentals of woodworking, beginning with hand tool experiences and processing into the study and use of modern power tools and machines;

15. develop an understanding of the advance practices utilized in the manufacture of wood products;

16. develop an understanding of the various power, energy and transportation systems and the technological, environmental, and societal impacts associated with them; and

17. provide students with the opportunity for in-depth exploration of the field of power mechanics, of the various power conversion and generator systems, and the productive utilization of those systems.

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Chapter 19. Strands

§1901. Technology Education Strands

A. *Strands* are the categories within particular content areas, which may vary from discipline to discipline. *Strands*

are interrelated, and should be integrated rather than taught in isolation.

B. The following are strands that are found throughout the course offerings in Technology Education.

1. Technology Student Association (TSA). The mission of the Technology Student Association is to prepare our membership for the challenges of a dynamic world by promoting technological literacy, leadership, and problem solving, resulting in personal growth opportunities.

2. Safety. All Technology Education courses demand the safe use of tools and equipment. Personal safety is emphasized through this content area. Course safety rules are referenced to OSHA safety regulations and standards.

3. Communication Skills. Reading, writing, speaking, and listening activities are incorporated throughout the technology education curriculum.

4. Science Skills. Physical science, physics and chemistry, biology, all of these sciences have a place in Technology Education. The practical application of science is a common objective in all technical education courses.

5. Mathematics Skills. Technology Education courses emphasize the practical application of mathematics skills. Measuring, calculating, and problem solving are common activities in technology courses.

6. Career Paths. Technology Education offers a definite path for a student to follow including job seeking skills. Occupational clusters are offered in many skill areas.

7. SCANS Skills. The know-how identified by SCANS (Secretary's Commission on Achieving Necessary Skills) is made up of five workplace competencies and a three-part foundation of skills and personal qualities that are needed for solid job performance.

8. Workplace Competencies. Effective workers can productively use:

- a. resources. They know how to allocate:
 - i. time;
 - ii. money;
 - iii. materials;
 - iv. space; and
 - v. staff;
- b. interpersonal skills. They can:
 - i. work on teams;
 - ii. teach others;
 - iii. serve customers;
 - iv. lead;
 - v. negotiate; and
 - vi. work well with people from culturally diverse backgrounds;
- c. information. They can:
 - i. acquire and evaluate data;
 - ii. organize and maintain files;
 - iii. interpret and communicate; and
 - iv. use computers to process information;
- d. systems. They:
 - i. understand social, organization, and technological systems;
 - ii. can monitor and correct performance; and
 - iii. can design or improve systems;
- e. technology. They can:
 - i. select equipment and tools;
 - ii. apply technology to specific tasks; and
 - iii. maintain and troubleshoot equipment;

9. Foundation Skills. Competent workers in the high-performance workplace need:

- a. basic skills:
 - i. reading;
 - ii. writing;
 - iii. mathematics;
 - iv. speaking; and
 - v. listening;
- b. thinking skills. The ability to:
 - i. learn;
 - ii. reason;
 - iii. think creatively;
 - iv. make decisions; and
 - v. solve problems;
- c. personal qualities:
 - i. individual responsibility;
 - ii. self-esteem and self-management;
 - iii. sociability; and
 - iv. integrity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 21. Academic Standards and Benchmarks §2101. Purpose

A. Standards and benchmarks provide a framework for local curriculum development. A school district's physical facilities, available equipment, resources, and community and business support are only a few of the factors that make the system unique and determine the curriculum offered.

B. In using this framework to develop curriculum, a *standard* is the major outcome of a course, and *benchmarks* are the goals for obtaining that outcome. Local systems will select the career majors to be offered, the courses offered in these majors, and create the objectives and activities that teachers will use to direct their instruction to reach the benchmarks for the selected courses. This procedure will allow local systems to structure curriculum to meet the needs of their students, schools, and communities while remaining consistent with the overall framework for the entire state.

C. Local systems will use the career majors as a guide to select the courses that will be offered for each major. Not all career majors or all courses listed with the major in this framework must be offered locally. Employment opportunities and postsecondary education availability in the local area should be considered as curriculum is developed.

D. To be identified as a vocational completer, a student must successfully complete four courses in the career major—two of which must be competency courses. The other two courses must be selected from the competency courses and/or related elective courses identified in the career major.

E. Following each career major are the content standards that relate to the major. The standards identify what students should know and be able to do. In the column beside each standard are benchmarks that identify specific skills and knowledge and serve as points of reference to gauge student progress toward achievement of standards. Benchmarks set the direction of instruction.

F. Academic Content Standards Cross-References

1. Cross-references to academic content standards reinforce the integration of academic and technology skills. English language arts, mathematics, social studies, and

science academic standards are cross-referenced in the third column beside each Technology Education standard. The referenced academic standards are listed in full in Subpart 3, Appendices.

a. See Subpart 3, Chapter 27 for detailed referenced Academic Content Standards.

2. Codes used in the table to identify the academic standards are given as follows.

English Language Arts—ELA

Standard number is given, then benchmark number

Example: ELA1-M1 (Standard one, Benchmark Middle School Number One)

Mathematics

Strand letter is given, then benchmark number

NRNumber and Number Relations Strand

AAlgebra Strand

MMeasurement Strand

GGeometry Strand

DData, Discrete Math, and Probability Strand

PPatterns, Relations, and Functions Strand

Social Studies

Strand letter is given, then benchmark letter and number

GGeography Strand

CCivics Strand

EEconomics Strand

H – History Strand

Science

Strand letter is given, then benchmark letter and number

SScience as Inquiry Strand

PSPhysical Science Strand

LSLife Science Strand

SEScience and the Environment Strand

Arts

Strand letter is given, then benchmark letter and number

CECreative Expression

APAesthetic Perception

HPHistorical and Cultural Perception

CACritical Analysis

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 23. Middle School Standards and Benchmarks

§2301. Introduction

A. Competency Courses (generally taught in nine-week blocks):

1. manufacturing;
2. construction;
3. communication;
4. transportation;
5. modular technology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2303. Focus Statement

A. Technology Education for sixth, seventh, and eighth grades is designed to incorporate many areas of Technology Education. Students are provided the opportunity to explore these areas and gain insight into the multitude of career choices available in technology. Students will explore the technology systems of:

1. manufacturing;
2. construction;
3. communication;
4. transportation; and
5. modular technology education.

B. Manufacturing. A study of manufacturing will assist students reach the following goals:

1. to develop an understanding of the multitude of career choices in manufacturing;
2. gain experience in working with techniques used in the manufacturing industry;
3. be able to work with other students using tools, materials, and techniques to produce a manufactured product.

C. Construction. A study of construction will assist students reach the following goals:

1. to develop in the student an understanding and insight into construction technology;
2. to assist each student in discovering and developing to the fullest potential talents, attitudes, and interests related to construction technology.

D. Communication. A study of communication will assist students reach the following goals:

1. to assist the student in becoming aware of the evolution of language and communication media;
2. to value, comprehend, and perform communication functions of:
 - a. decoding;
 - b. encoding;
 - c. transmitting;
 - d. receiving;
 - e. storing; and
 - f. retrieving.

E. Transportation. A study of transportation will assist students in reaching the following goals:

1. to develop an understanding of the career options in the field of transportation;
2. to gain experience in the knowledge and techniques of the transportation industry.

F. Modular Technology. A study of modular technology will assist students in reaching the following goals:

1. to be successful and to have a good quality of life, the technology education student will learn job skills and expectations by rotating through various career workstations;
2. understand the importance of becoming a lifelong learner, developing personal skills and the connection to technology applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2305. Manufacturing Benchmarks

A. Standard. M1. Explore areas of the manufacturing process from research and development to marketing the product.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Discuss management, personnel and production techniques involvement in manufacturing industries	1,3	1,2,3,4,5,7,12,17,18	English Language Arts ELA 1—M1,M3,M4,M5 ELA 2—M1,M2,M3,M4,M5,M6 ELA 3—M1,M2,M3,M4,M5 ELA 4—M1,M2,M3,M4,M5,M6 ELA 5—M1,M2,M3,M4,M5,M6 ELA 7—M1,M2,M3,M4
B. Develop cognitive and psychomotor skills and attitudes by performing manufacturing practices and experiments and participating role playing.	2,3,4	1,2,3,4,5,6,7,8,9,10,12,18	Mathematics N—1M,2M,3M,4M,5M,6M,7M A—2M,3M,3M,4M,5M M—1M,2M,3M,4M G—1M,2M,3M,4M,5M,6M,7M
C. Discuss the integration of men, machines, and materials into efficient production systems.	1,2,3,4,5	1,2,3,7,8	Social Studies G - 1A-M1, 1A-M2, 1D-M1, 1D-M2, 1D-M4
D. Discuss the many vocations in manufacturing industries.	3,4,5	1,2,3,8,10,18	E - 1A-M1, 1A-M2, 1A-M5, 1A-M6, 1B-M1, 1B-M4, 1B-M5, 1B-M6 H - 1A-M1, 1A-M2, 1A-M3 1A-M4
E. Develop the ability to work individually and in teams to apply knowledge and solve problems in manufacturing.	1,2,3,5	1,2,3,8,10,18	Science S1-M - A1,A2,A3,A4,A5, A6,A7,A8,B1,B3,B4,B5 PS-M - A9,B2,C1,C2,C3,C8 ESS-M - A1,A2,A3,A5,A6,B1, B2,C8 SE-M - A1,A2

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2307. Construction Benchmarks

A. Standard. M2. Explore areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Understand and use the tools, materials, and processes common to the construction industry.	2,3,4	1,2,3,4,7,8,9,16,17,18,19,20	English Language Arts ELA 1 — M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3,M4,M5 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M4
B. Develop an awareness of the many careers in construction industry.	3,4,5	1,2,3,4,6,7,20	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 5M M – 1M,2M,3M,4M,5M,6M G – 1M,4M,5M,6M,7M
C. Understand the interrelationship of construction technology and community development.	3,4,5	1,2,3,4,5,6,7,20	Social Studies G – 1A-M1, 1A-M2, 1D-M1, 1D-M2 E – 1A-M1, 1A-M3, 1A-M11, 1B-M1, 1B-M2, 1B-M5
D. Discover and develop to the fullest potential individual talents, attitudes, and interests related to construction technology.	1,2,3,4,5	1,2,3,4,6,7,8,9,10,20	Science S1-M – A1,A2,A3,A4,A5,A6, A7,A8 PS-M – C1 ESS-M – A1 SE-M – A1

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2309. Communication Benchmarks

A. Standard. M3. Communicate ideas and information through experiences in the drafting, design, printing, photography, telecommunications, and computers.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Appreciate, understand, and perform selected management, personnel, and production processes as they apply to communication systems.	2,3,4	1,2,3,4,7,8,9,11,12,17	English Language Arts ELA 1 – M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3,M4,M5 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M3,M4
B. Discuss careers and occupational choices with the communication industries	1,2,3,4	1,2,3,4,7,12,13,17	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 1M,2M,5M M – 1M,2M,3M,4M G – 1M,2M,3M,4M,5M,6M,7M
C. Develop responsible and safe work attitudes, habits, and the ability to function effectively as a member of a team.	1,2,3,4,5	1,2,3,4,7,11,12,17	Social Studies G – 1A-M1, 1A-M2, 1D-M1 E – 1A-M2, 1B-M3, 1B-M4 H – 1A-M3, 1A-M6
D. Demonstrate the ability to send and receive information more effectively and efficiently through writing, gesturing, reading, speaking, and listening	1,2,3,4,5	1,2,3,6,9,10,11,12,13,17	Science S1-M— A1,A2,A3,A4,A5,A6, A7,A8 ESS-M— A1 SE-M— A1,A2

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2311. Transportation Benchmarks

A. Standard. M4. Explore transportation technology past, present, and future, and be able to discuss the selection and uses of transportation technologies.

Benchmarks	Louisiana Foundation Skills	ITEA Standards For Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Discuss the requirements of jobs in the transportation industry.	1,3	1,2,3,4,5,7,12,17,18	English Language Arts ELA 1 – M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3,M4,M5 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M4
B. Gain experience in the knowledge and techniques of the transportation industry.	1,2,3	1,2,3,4,5,6,7,8,9,10,12,18	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 1M,2M,3M,4M,5M M – 1M,2M,3M,4M,5M,6M G – 1M,2M,3M,4M,5M,6M
C. Discuss management, personnel, and production techniques of transportation.	1,2,3	1,2,3,7,18	Social Studies G – 1A-M1, 1A-M2, 1D-M1, 1D-M2, 1D-M4, 1D-M5 E – 1A-M1, 1A-M2, 1A-M5, 1A-M9, 1B-M1, 1B-M3, 1B-M4, 1B-M5, 1B-M6 H – 1A-M1, 1A-M2, 1A-M5, 1A-M6
D. Explore the many vocations in the transportation industry.	1,3,4,5	1,2,3,8,10,18,	Science S1-M – A1,A2,A3,A4,A5,A6,A7, B3,B4,B5 PS-M – B1,B2,B3,C1,C2,C6,C7 ESS-M – A1,A2,A3,A5,A6,B1,B2 SE-M – A1,A2
E. Develop a sense of self-realization and generate self-activating behaviors.	1,3,4,5	1,2,3,4,7,8,12,14,15,16,17, 18,19,20,	
F. Discuss the positive and negative impacts of transportation systems on our society and our environment.	1,2,3,4	18	

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2313. Modular Technology Benchmarks

A. Standard. M5. Develop an understanding of the various technology systems through modular computer assisted instruction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards For Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Read curriculum module binder to obtain the operating directions, research technical books and define technical terms.	1,3,4	1,2,3,4,7,8,9,16,17,18,19,20	English Language Arts ELA 1 – M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M3,M4
B. View instructional videos for daily workstation activities required to initiate the computer applications and hands-on activities.	2,3,4	1,2,3,4,6,8,10,12,17,18,19,20	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 1M,2M,3M,4M M – 1M,2M,3M,4M G – 1M,2M,3M,4M,5M,6M
C. Use related computer software programs to perform various module activities.	1,2,3,4	1,2,3,4,6,8,12,17,18,19,20	Social Studies G – 1A-M1, 1A-M2, 1D-M1, 1D-M2, 1D-M4 E – 1A-M1, 1A-M2, 1A-M5, 1B-M1, 1B-M4, 1B-M5, 1B-M6 H – 1A-M1, 1A-M2, 1A-M5, 1A-M6
D. Team with a partner to complete hands-on activities through computer assisted instruction.	1,2,3,5	1,2,3,4,8,9,11,12,13,17,18,19,20	Science S1—M – A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS—M – B1,B2,B3,C1,C2,C6,C7 ESS—M – A1,A2,A3,A5,A6,B1,B2,SE—M – A1,A2

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 25. High School Standards and Benchmarks
Subchapter A. General Technology Education

§2501. Introduction

A. Competency Courses

1. General Technology

B. Related Electives

1. Basic Technical Drafting;
2. Advanced Technical Drafting;
3. Architectural Drafting;
4. Communication Technology;
5. Basic Electricity/Electronics;
6. Advanced Electricity/Electronics;
7. Manufacturing Technology;
8. Materials and Processes;
9. Basic Metals;
10. Advanced Metal Technology;
11. Welding Technology;
12. Construction Technology;
13. Basic Wood Technology;
14. Advanced Wood Technology;
15. Energy, Power, and Transportation Technology;
16. Power Mechanics;
17. Physics of Technology I; and
18. Principles of Technology II.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2503. Focus Statement

A. The following are the goals and expectations being implemented in raising expectations and setting high standards in the *General Technology Education* cluster.

1. The technology lab is equipped with up-to-date technology.

2. The curriculum is activity-centered, with an emphasis on students' self-directed exploration of careers.

3. The relationships between English/Language Arts, Mathematics, Science, and Technology are emphasized.

4. The Technology Education student will explore the job skills and expectations needed in the job market by rotating through various career workstations.

B. General Technology Education. This course is designed to provide students with the opportunity to explore a variety of technical careers through contemporary technology education activities. Students will study and complete laboratory activities related to the fields of communication, construction, manufacturing, and transportation. Students will apply mathematics, science, and communication skills to study, design, perform experiments, and construct projects to enhance their learning. Work-based learning strategies appropriate for this course include field trips, service learning, and job shadowing. This course and Technology Student Association technical and leadership activities enhance skills essential for students interested in technical and engineering career fields.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2505. General Technology Education Benchmarks

A. Standard 1. Provide students with the opportunity to explore various technical careers through contemporary and/or modular Technology Education activities.

Benchmarks	Louisiana Foundation Skills	ITEA Standards For Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Discuss business ethics in the workplace	1,3,5	1,2,3,4,6,7	English Language Arts ELA 1 – H1,H3,H4,H5
B. Design, draw, build, and assemble a balsa wood project using the teamwork concept.	1,2,3,4,5	1,2,3,4,7,8,9,10,17,18,19,20	ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H2,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
C. Perform basic operations of an MAC/PC microcomputer: word processing, graphics, database, and spreadsheet applications.	1,3	1,2,3,4,7,8,9,11,12,17	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
D. Compose and print various projects using graphic design computer software.	1,2,3	1,2,3,4,7,8,11,12,13,17	Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H3, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
E. Identify basic drawing instruments, acceptable lettering practices, and the alphabet of lines used in drafting and apply them to both basic and Computer Aided Drafting Design (CADD).	1,2,3,4	1,2,3,4,7,8,11,12,13,17	Science S1—H – A1,A2,A3,A4,A5,A6,A7,B2, B3,B4,B5 PS—H – B1,B2,B3,C1,C2,C6,C7,D1, D6,D7,E1,E2,E3,E4,F1,F2, G1,G2,G3,G4 ESS—H – A1,A2,A3,A5,A6,B1,B2 SE—H – A1,A2,A9,A10,A11,B1,B2, B3,B4,B5,B6,C1,C2,C3,C4, C5,D1,D2,D3,D4,D5,D6
F. Develop an under-standing of the need for a drug free life/workplace.	1,3,5	1,2,3,4,5,7,12,14	
G. Demonstrate basic skills in electrical circuitry related to magnetism AC/DC circuits, motors, voltage, current, resistance, power, measurements.	1,3,4	1,2,3,6,7,8,11,12,16	
H. Discuss the common electronics components and circuits used today.	1,3,4	1,2,3,5,6,7,8,10,11,12,13,16	
I. Explain the principles of flight and use video tape instruction and computer programs to design an airplane.	1,2,3,4	1,2,3,4,7,8,9,10,11,12,13,16	
J. Explain the value of a dollar, learn how to open and maintain a checking account utilizing a computer program.	1,3,5	1,2,3,4,7,12,13	
K. Explore the space program and the development of rocketry; build and launch a model rocket.	1,2,3,4,5	1,2,3,4,5,7,8,11,19	
L. Discuss transportation systems and identify means of solving transportation problems.	1,2,3,5	1,2,3,4,6,7,8,16,18	
M. Identify careers related to the field of Computer Numerical Control.	1,3,5	1,2,3,4,7,14,15,16,17,18, 19,20	
N. Gain knowledge and develop fundamental skills in assembling, operating, and testing basic hydraulic circuits.	1,2,3,4,5	1,2,3,7,10,19,20	
O. Explore the communication areas of fiber optics, laser, and microwave transmissions.	1,3,4,5	1,2,3,4,5,7,8,11,12,16,17	
P. Monitor, record, and interpret weather observations.	1,3,4,5	1,2,3,4,5,6,7,13,17	
Q. Identify, construct, and operate pneumatic circuits.	1,2,3,4	1,2,3,4,5,6,7,9,11,16	
R. Explore alternate energy sources of hydro-electric power, solar sterling, solar thermal, and wind power.	1,2,3,4,5	1,2,3,4,5,6,7,9,10,16	
S. Explore manufacturing industries, materials, and how they are processed, and the production of goods to satisfy the demands of society.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12, 13,14,15,19	
T. Explore construction industries, the generation of prints and specifications, and construction of structure to satisfy the demands of society.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12, 13,20	
U. Prepare a student career portfolio.	1,3,5	4,8,12,16,17,18,19,20	

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Subchapter B. Communication Technology

§2509. Introduction

A. Competency Courses

1. Basic Technical Drafting;
2. Advanced Technical Drafting;
3. Architectural Drafting;
4. Communication Technology;
5. Basic Electricity/Electronics;
6. Advanced Electricity/Electronics.

B. Related Electives

1. General Technology Education;
2. Manufacturing Technology;
3. Materials and Processes;
4. Basic Metal Technology;
5. Advanced Metal Technology;
6. Welding Technology;
7. Construction Technology;
8. Basic Wood Technology;
9. Advanced Wood Technology;
10. Energy, Power, and Transportation Technology;
11. Power Mechanics;
12. Physics of Technology I;
13. Physics of Technology II.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2511. Focus Statement

A. Communication Technology emphasizes a strong foundation in drafting and electronics. Basic Technical Drafting is the primary course being taught in this area. Technical Drafting is used by engineers, architects, and construction fields to describe size, shape, and details. The ability to read and understand drawings is becoming increasingly important in the world of work. For this reason, drafting should be one of the first courses taken by a communication technology major.

B. Advanced Technical Drafting:

1. is designed as a follow-up to Basic Technical Drafting;

2. involves the preparation of detailed drawings, including:

- a. developments;
- b. intersections;
- c. charts;
- d. diagrams;
- e. threads;
- f. descriptive geometry;
- g. auxiliary views;
- h. revolutions; and
- i. specialized drafting areas.

C. Architectural Drafting is designed to give the student an overview of the basic concepts that are common in the area of residential planning and design.

D. Communication Technology is a course that broadens student knowledge and improves ability to effectively communicate ideas and information through experiences in:

1. drafting;
2. design;
3. printing;
4. photography;
5. telecommunications; and
6. computers.

E. Basic Electricity/Electronics is a one-year introductory course and requires no previous knowledge of electricity or electronics. The student will gain a working knowledge of relevant theories and physical laws and their applications.

F. Advanced Electronics is intended for those students who successfully complete Basic Electronics and desire to continue their training in this field. The course content centers around semiconductor devices and their applications to:

1. digital electronics;
2. computer; and
3. communication circuits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2513. Communication Technology Benchmarks

A. Standard 2. Understand and apply the basic concepts that are common to the broad field.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop basic skills in the proper use of drafting instruments and materials.	1,2,3,4,5	1,2,3,7,8,17	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop an understanding of the technical aspects of drafting.	1,2,3,4	1,2,3,6,7,10,11,13,17,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Develop an appreciation for the value of effective designs.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17,20	Social Studies G— 1B-H1, 1D-H1 E— 1A-H3, 1B-H1, 1B-H2, 1C-H2 H— 1A-H6
D. Foster an understanding of the importance of drafting in industry.	1,3,4,5	1,3,4,6,7,12,13,17	Science S1-H – A3 ESS-H – A1 SE-H – A3,A4,A11,B1,B2,C2,C4,D2,D3,D5,D6
E. Explore the many technical careers that incorporate drafting.	1,3,5	1,3,4,5,6,7,8,9,10,11,12,13,17	

B. Standard 3. Prepare detailed drawings including:

- | | |
|-------------------|--------------------------|
| 1. developments; | 6. fasteners; |
| 2. intersections; | 7. descriptive geometry; |
| 3. charts; | 8. auxiliary; |
| 4. diagrams; | 9. revolutions; |
| 5. threads; | 10. CAD; and |
| | 11. specialized areas. |

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Review Basic Drafting I and II: safety, orthographic projection, dimensioning, pictorials, sectional, and working drawings, basic CADD.	1,2,3,4,5	1,2,3,4,6,7,8,9,10,11,12,13,17	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Recognize how functional drafting techniques can be used to prepare effective technical drawings.	1,3,4	1,2,3,4,5,6,7,11,12,13,17	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Visualize the surface development of three-dimensional objects: parallel line development, radial-line development, and triangulation.	1,2,3,4	1,2,3,7,8,9,10,17	Social Studies G— 1B-H1, 1D-H1 E— 1A,H3, 1B-H1, 1B-H2, 1C-H2 H— 1A-H6
D. Describe and complete auxiliary drawings.	1,2,3	1,2,3,8,9,10,17	Science S1-H – A3 ESS-H – A1 SE-H – A3,A4,A11,B1,B2,C2,C4,D2,D3,D5,D6
E. Read, interpret, and construct graphic charts and diagrams.	1,2,3	1,2,3,10,11,12,13,17	
F. Prepare drawings of threads using detailed representation.	1,2,3	1,2,3,7,10,11,12,13,17	
G. Graphically define the fundamentals of solving descriptive geometry problems.	1,2,3,4	1,2,3,7,8,9,10,11,12,13,17	
H. Describe the uses of technical illustrations and prepare one form of technical illustration.	1,2,3,4	1,2,3,4,7,8,9,10,11,12,13,17	
I. Complete drawings in optional areas: map, electrical, architectural, pipe, aero-space, structural, welding.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17	
J. Use CADD to prepare drawings in all previously covered areas.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17	

C. Standard 4. Demonstrate the ability to complete a set of working drawings for home construction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Research and apply FHA and city building codes and standards to residential plans.	1,2,3,4,5	1,2,3,5,6,7,8,9,10,11,12,13,16,17,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H3,H4
B. Show examples of unique lettering style and techniques.	1,3	17	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Demonstrate the basic elements of architectural dimensioning.	1,3	11,17	Social Studies G— 1B-H1, 1D-H1 E— 1A-H3, 1B-H1, 1B-H2, 1C-H2 H— 1A-H1, 1A-H2, 1A-H6
D. Communicate verbally in the field of architecture.	1,3,5	2,3,4,5,8,9,10,11,17,20	Science S1-H – A3 ESS-H – A1 SE-H - A3,A4,A11,B1,B2,C2, C4, D2,D3,D5,D6
E. Discuss architectural history and how it impacts modern day practices.	1,3,4	3,7,8,9,13,20	Arts CE-1VA-H2,H3,H4,H5 AP-2VA-H1,H2,H3,H4 HP-3VA-H1,H2,H4,H5 CA-4VA-H1,H2,H3,H4
F. Identify architectural styles.	1,3,5	3,6,7,8,13,20	
G. Evaluate a proposed construction project with reference to the costing of materials.	1,2,3,4,5	3,6,8,9,10,11,12,13,19,20	
H. Develop a complete set of residential drawings.	1,2,3,4,5	6,8,9,10,11,16,17,19,20	
I. Demonstrate the use of CADD through architectural computer programs.	1,2,3,4,5	8,9,10,11,12,17	

D. Standard 5. Communicate ideas and information through experiences dealing with drafting, design, printing, photography, telecommunication, and computers.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop technical abilities within the field of Communication Technology.	1,3,5	1,2,3,4,5,6,7,10,11,12,13,17	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H4
B. Apply English/Language Arts, Science, and Mathematics competencies to solve meaningful communication problems.	1,2,3,4,5	1,2,3,4,5,6,10,11,12,13,17	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Develop safe work habits which are necessary for active participation in the communications laboratory.	1,2,3,5	1,2,3,5,6,7,12,17	Social Studies G— 1B-H1, 1D-H1, 1D-H4 E— 1A-H1, 1B-H1, 1B-H2, 1C-H2 H— 1A-H6, 1B-H6, 1B-H16
D. Develop an awareness and understanding of communication and its related technology systems.	1,3,4,5	1,2,3,10,12,13,17	Science S1-H – A3,A5,A6 SE-H – A1,B1,B2,D1,D2,D3,D5, D6 PS—H – D4,D7,E3,E4 ESS—H – A1
E. Discuss and be able to interrelate the fundamental elements of the communication process.	1,3,4,5	1,2,3,4,5,6,7,12,13,17	Art CE—1VA – H1,H2,H3,H4,H5, H6,H7 HP—3VA – H4 CA—4VA – H1,H2,H3,H4
F. Discuss an appreciation for the impacts that communication technology has on our society.	1,3,4,5	1,2,2,3,4,5,6,7,13,17	
G. Develop an understanding of the function, structure, and control of mass media.	1,3,4,5	1,2,3,4,5,6,7,12,13,17	
H. Explore the design, production, and marketing of mass communication products.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17	
I. Examine the trends in mass communication.	1,3,4,5	1,2,3,4,5,6,7,12,13,17	

E. Standard 6. Understand and apply the principles of electricity and electronics through laboratory learning experiences.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop a working knowledge of electricity and electronics.	1,3	1,2,3,7,8,10,12,13,16	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H4
B. Explore careers within the field of electronics communications.	1,2,3,4	1,2,3,6,7,10,11,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H P – 1H,2H,3H,4H,5H
C. Apply English/Language Arts, Science and Math skills to practical situations.	1,2,3,4	1,2,3,10,11,12,16	Social Studies G— 1C-H1,1D-H1,1D-H2,1D-H4,1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H6,1B-H1,1B-H2 H— 1A-H6,1B-H6,1B-H16,1B-H17,1C-H15
D. Develop basic skills in the proper use of the tools and equipment used in electricity and electronics.	1,3	1,2,3,5,6,7,12,13,16	Science S1—H – A1,A3,A4,A5,A6,A7,B1,B2,B3,B4,B5 PS—H – A1,A2,B1,B2,B3,C3,C6,C7,D5,D6,D7,E1,E2,F1,F2,G1,G2,G3,G4 ESS—H – A1,A2,A3,B2 SE—H – A11,B1,B2,B3,B4,B5,B6,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Demonstrate problem solving and critical thinking abilities.	1,2,3,4,5	1,3,5,6,7,16	
F. Develop a positive safety attitude and safe work habits.	1,3,5	1,3,4,5,6,7,8,9,10,11,12,13,16	
G. Explore educational opportunities.	1,3,5	1,2,3,4,5,6,7,16	
H. Develop an awareness of the diverse nature of electricity and electronics and their impact on our society.	1,3,4,5	1,2,3,4,5,6,7,8,9,12,13,16	

F. Standard 7. Develop a career interest in electronics through course content centered around:
1. semiconductor devices;

2. application of digital electronics;
3. computers; and
4. communication circuits.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
NOTE: *The benchmarks that are listed in basic electronics should be taken to a higher level in the advanced electronics benchmark.			English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H4
*A. Develop a working knowledge of electronics.	1,3	1,2,3,7,8,10,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H P – 1H,2H,3H,4H,5H
*B. Explore careers within the field of electronic communications.	1,2,3,4	1,2,3,6,7,10,11,12,13,16	Social Studies G— 1C-H1,1D,H1,1D-H2,1D-H4, 1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H6, 1B-H1,1B-H2 H— 1A-H6,1B-H6,1B,H16, 1B-H17,1C-H15
*C. Apply English/Language Arts, Science and Math skills to electronics.	1,2,3,4	1,2,3,10,11,12,16	Science S1—H – A1,A3,A4,A5,A6,A7,B1, B2,B3,B4,B5 PS—H – A1,A2,B1,B2,B3,C3,C6, C7,D5,D6,D7,E1,E2,F1, F2,G1,G2,G3,G4 ESS—H – A1,A2,A3,B2 SE—H – A11,B1,B2,B3,B4,B5, B6,C2,C3,C4,C5,D1, D2,D3,D4,D5,D6
*D. Develop skills in the proper use of tools and equipment.	1,3	1,2,3,5,6,7,12,13,16	
*E. Demonstrate problem-solving and critical-thinking abilities.	1,2,3,4,5	1,3,4,6,7,12,13,17	
*F. Develop positive safety attitudes and work habits.	1,3,5	1,2,3,5,6,7,16	
*G. Explore educational opportunities.	1,3,5	1,2,3,4,5,6,7,16	
*H. Develop an awareness of the diverse nature of electricity and electronics and their impact on our society.	1,3,4,5	1,2,3,4,5,6,7,8,9,12,13,16	
I. Use test instruments to properly measure voltage, amperage, resistance, etc.	1,3	1,2,3,10,12,13,16	
J. Identify electronic components and explain their use.	1,3	1,2,3,12,13,16	
K. Develop a technical vocabulary.	1,3	1,2,3,7,16	
L. Demonstrate working knowledge of semiconductor components.	1,3,4	1,2,3,12,13,16	

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Subchapter C. Manufacturing Technology

§2517. Introduction

A. Competency Courses

1. Manufacturing Technology;
2. Materials and Processes;
3. Basic Metal Technology;
4. Advanced Metal Technology; and
5. Welding Technology.

B. Related Electives

1. General Technology Education;
2. Basic Technical Drafting;
3. Advanced Technical Drafting;
4. Architectural Drafting;
5. Basic Electricity/Electronics;
6. Advanced Electricity/Electronics;
7. Energy, Power, and Transportation Technology;
8. Power Mechanics;
9. Physics of Technology I; and
10. Physics of Technology II.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2519. Focus Statement

A. Manufacturing Technology investigates all areas of the manufacturing process from research and development to marketing the product. Manufacturing Technology also develops an awareness for:

1. technology;
2. industry;
3. future trends in manufacturing; and
4. the social impacts of technology and industry on society and the environment.

B. Materials and Processes is a course that presents both the materials and the processes commonly used in modern manufacturing industries. Studying processes relating to many different industrial materials gives the student a broader understanding of manufacturing.

C. Basic Metal Technology is designed as an introductory course for students who are interested in the field of metals. The course is divided into seven major fields:

1. bench metal;
2. sheet metal;
3. art metal;
4. ornamental metalwork;
5. forging;
6. casting; and
7. welding.

D. Advanced Metal Technology is designed as a second advanced course for students interested in further study in

the field of metals. The course is divided into six major fields:

1. advanced metalworking tools;
2. sheet metal working and layout;
3. metallurgy and heat treating;
4. casting;
5. welding; and
6. machining.

E. Welding Technology is designed to provide students with the opportunity for in-depth exploration in the field of welding. Of primary concern are the various fusion systems and the productive utilization of those systems. Experiences

related to the design, theory, and utilization of the welding systems are provided for the students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2521. Manufacturing Technology Benchmarks

A. Standard 8. Explore all areas of the manufacturing process from research and development to marketing the final product.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop fundamental skills in manufacturing process.	1,2,3,4,5	1,2,3,7,8,9,11,12,13,19	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop an awareness of the various careers associated with the manufacturing industries.	1,3,5	1,2,3,4,5,6,7,19	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop an understanding of how the seven types of technological resources (people, information, materials, tools and machines, capital, energy and time) play a vital role in each stage of the manufacturing.	1,3,5	1,2,3,4,5,6,7,10,11,12,13,19	Social Studies G— 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H— 1A-H1,1A-H2,1A-H5,1A-H6
D. Discuss and apply the design process used in creating new products.	1,2,3,4,5	3,8,9,10,11,12,13,19	Science S1—H – A1,A2,A3,A4,A5,A6,A7, B3,B4,B5 PS—H – C1,C2,D1,D6,D7,E1,E2, E3,E4,F1,F2,G1,G2,G3, G4 ESS—H –A1,A2,A3,A5,A6,A7,B1, B2,D7 SE—H –A1,A2,A11,B1,B2,B3,B4, B5,B6,C1,C2,C3,C4,C5, D1,D2,D3,D4,D5,D6
E. Develop an understanding of design, product development, production policies, finance, and product marketing.	1,2,3,4	3,8,9,10,11,12,13,19	
F. Compute mathematical problems associated with manufacturing.	2,3,4	3,9,10,11,12,13,19	
G. Develop insights into future manufacturing trends.	1,3,4,5	3,4,5,6,7,8,9,10,11,13,19	

B. Standard 9. Develop an understanding of industrial materials and how they are processed to increase their value.

Emphasis will be placed on materials selection for particular products and appropriate manufacturing processes.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop fundamental skills in the selection and safe use of manufacturing tools and equipment.	1,3,5	1,2,3,5,7,9,10,12,13,19	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Apply Science, Mathematics, and English/ Language Arts skills to the solution of problems relating to materials and the processes.	2,3,4	1,2,3,4,5,6,7,8,10,11,12,13,19	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop an understanding of how manufacturing products are planned from research and development to marketing.	1,2,3	3,4,5,6,7,11,12,13,19	Social Studies G – 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6
D. Explore the trends in materials and processes design.	1,3	3,4,5,6,7,8,9,10,11,12,13,19	Science S1-H— A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H— C1,C2,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS-H— A1,A2,A3,A5,A6,A7,B1,B2,D7, SE-H— A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Develop an understanding of how the five elements of the industrial production systems: research and development, marketing, finance, production, and management play a vital role in the selection and utilization of materials and processes.	1,2,3,4,5	1,3,4,5,6,7,10,11,12,13,19	
F. Understand the difference between metallic and non-metallic industrial materials.	1,3,4	3,7,12,13,19	
G. Develop an awareness of the various careers associated with materials and processes in the manufacturing field.	1,3,4,5	1,2,3,4,5,6,7,19	

C. Standard 10. Develop an understanding of the seven major fields of basic metals:

1. bench metal;
2. sheet metal;
3. art metal;
4. ornamental metal;
5. forging;
6. casting; and
7. welding.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Explore the various metalwork areas so as to develop an understanding of the technology involved in the metals industry.	1,2,3	1,2,3,6,7,13	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop fundamental skills in the design, fabrication, heat treatment, machining, and welding of metals products.	2,3,4	1,2,3,5,6,8,9,10	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop safe work habits in working with metals, labs, and metalworking machinery.	1,3,5	1,2,3,5,6,7,19,20	Social Studies G – 1A=H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6
D. Develop an understanding of the career opportunities in the field of metalworking.	1,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,19	Science S1-H— A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H— B1,B2,C1,C2,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS-H— B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Develop problem-solving abilities and apply mathematics and science principles through problem-solving activities.	2,3,4	1,2,3,8,9,10,11,12,13,19	

D. Standard 11. Be able to use the tool instruments and machines in the metalwork advanced lab of the following areas:

1. sheet metal;
2. metallurgy;
3. casting;

4. welding;
5. machining;
6. material testing;
7. finishing; and
8. safety.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an awareness of the positive and negative impact of metalworking on society.	1,3,5	1,2,3,4,5,6,7,8,9,13,19	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,6H ELA 7 – H1,H2
B. Perform lab assignments in the various metalworking areas so as to develop an understanding of the technology used in the metalworking industries.	1,2,3	1,2,3,4,5,6,7,8,9,10,11,12,13,19	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Provide related information and develop the essential skills needed in the design, fabrication, heat treating, welding, machining, and finishing of industrial products.	2,3,4	1,2,3,7,8,10,11,12,13,19	Social Studies G – 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6 Science S1-H— A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H— B1,B2,C1,C2,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS-H— B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6

E. Standard 12. Develop an understanding of traditional concepts in welding and demonstrate proficiency in:

1. fusion process;

2. components;
3. weld testing and inspection; and
4. automated welding systems.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Analyze basic safety skills associated with the welding environment.	1,3,5	1,2,3,5,6,7,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop fundamental skills in the selection and operations of OFC (oxygen, fuel-gas, cutting) processes, systems and equipment.	2,3,4	1,2,3,7,10,11,12,13,19,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop an understanding of the various OFC processes, purpose and functions, and operation of OFC equipment.	2,3,4	5,6,7,12,13,20	Social Studies G – 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6
D. Describe the components of a SMAW (shielded metal arc welding) system and explain the components in terms of their function.	2,3,4	5,6,7,12,13,20	Science S1-H— A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H— B1,B2,C1,C2,D1,D6,D7, E1,E2,E3,E4,F1,F2,G1, G2,G3,G4 ESS-H – B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4, B5,B6,C1,C2,C3,C4,C5, D1,D2,D3,D4,D5,D6
E. Identify equipment, conditions, consumables, and the appropriate settings to be used in the GTAW (gas tungsten arc welding) process.	2,3,4	1,2,3,5,6,7,12,13,20	
F. Be able to discuss the components utilized with GMAW (gas metal arc welding) process.	2,3,4	5,6,7,12,13,20	
G. Be able to discuss metal inert gas welding activities such as arc spot welding, pulsed spray welding, and electrogas welding.	2,3,4	1,2,3,4,5,6,7,12,13,20	

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Subchapter D. Construction Technology

§2525. Introduction

A. Competency Courses

1. Construction Technology;
2. Basic Wood Technology; and
3. Advanced Wood Technology.

B. Related Electives

1. General Technology Education;
2. Manufacturing Technology;
3. Material-Processes;
4. Basic Metal Technology;
5. Advanced Metal Technology;
6. Welding Technology;
7. Basic Technical Drafting;
8. Advanced Technical Drafting;
9. Architectural Drafting;
10. Basic Electricity/Electronics;
11. Energy, Power, and Transportation Technology;
12. Power Mechanics;
13. Physics of Technology I; and
14. Physics of Technology II.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2527. Focus Statement

A. The ability to select and use tools, materials, and processes is increasingly important in a technological work

environment. Construction Technology emphasizes a strong foundation in:

1. Basic Wood Technology;
2. Construction Technology; and
3. Advanced Wood Technology, including:
 - a. safety;
 - b. tools;
 - c. machines;
 - d. processes; and
 - e. materials used in manufacturing of wood products.

B. Construction Technology investigates all areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction and the various careers associated with each area.

C. Basic Wood Technology is designed to teach the fundamentals of woodworking, beginning with hand tool experiences and progressing into the study and use of modern power tools and machines. Safety should be actively incorporated into all aspects of instruction. The knowledge should be applied through the development and construction of various projects.

D. Advanced Wood Technology is designed for students interested in improving their knowledge and experiences dealing with the materials, tools, and processes used in the manufacture of wood products. The course content centers around design, planning, and building of projects which will serve as a vehicle for learning and skill development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2529. Construction Technology Benchmarks

A. Standard 13. Develop an understanding of the construction industry from the initial planning stage to the completion of light, heavy, industrial, and civil construction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an understanding of the technical requirements of construction.	1,3,4	1,2,3,7,8,9,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3
B. Develop safe work habits in the laboratory.	1,3,4,5	1,2,3,5,6,7,20	ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
C. Develop an understanding of the four major types of construction.	1,3,4	1,2,3,4,5,6,7,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H
D. Develop an understanding of the occupational requirements and opportunities in the construction industry.	1,3,5	1,2,3,4,5,6,7,8,9,10,11,12,13,20	Social Studies G— 1A-H1,1B-H1,1D-H1,1D-H2,1C-H2,1D-H3 E— 1A-H1,1A-H2,1A-H3,1B-H1,1B-H2 H— 1A-H6 C— 1A-H1
E. Develop basic competencies in the use of various tools and equipment used in construction industries.	1,2,3	1,2,3,5,6,7,12,13,20	Science S1H – A1,A2,A3,A7 PS-H – C1,C3,D7,G4 LS-H – D4,E1 ESS-H – A1 SE-H – A1,A3,A4,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,D1,D2,D3,D4,D5,D6
F. Compute mathematical problems associated with the construction industry.	1,2,3,4	1,2,3,4,5,6,10,11,12,13,20	
G. Discuss federal, state, and local laws pertaining to construction.	1,3,5	1,2,3,5,6,20	
H. Explore career opportunities associated with the construction industry.	1,2,3,4,5	1,2,3,5,7,8,10,20	

B. Standard 14. Explore the fundamentals of woodworking, beginning with hand tool experiences and

progressing into the study and use of modern power tools and machines.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an understanding of the woodworking technology laboratory physical plant, its layout, management, and safety procedures.	1,2,3,4	1,2,3,5,6,8,9,10,12,13,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
B. Display safety consciousness while working in the lab.	1,3,4,5	1,2,3,5,6,7,12,13,19,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H D – 7H
C. Be able to identify, select, and use the basic hand tools.	1,2,3,4,5	1,2,3,5,6,7,19,20	Social Studies G— 1A-H1,1B-H1,1D-H1,1D-H2,1C-H2,1D-H3 E— 1A-H1,1A-H2,1A-H3,1B-H1,1B-H2 H— 1A-H6 C— 1A-H1
D. Learn the selection process, principles of design, and basic drawing techniques involved in product planning.	1,2,3	1,2,3,4,5,6,7,8,9,10,19,20	Science S1-H – A1,A2,A3,A7 PS-H – C1,C3,D7,G4 LS-H – D4,E1 ESS-H – A1 SE-H – A1,A3,A4,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,D1,D2,D3,D4,D5,D6
E. Process stock using hand tools and machines in a reasonable manner by squaring, gluing, bending, veneering, and edging.	2,3,4	1,2,3,5,6,7,12,13,19,20	
F. Identify, select and install appropriate hardware according to project requirements.	2,3,4	1,2,3,7,8,19,20	
G. Demonstrate the skills necessary for safe operation of portable power tools and machine tools.	1,2,3,5	1,2,3,5,6,7,12,13,19,20	
H. Apply science and mathematics skills to problem solving.	2,3,4	1,2,3,10,11,12,19,20	

C. Standard 15. Develop an understanding of the advanced practices utilized in the manufacture of wood products.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Provide advanced experiences in the types, manufacture, and use of wood and wood-based products.	1,3,4,5	1,2,3,7,8,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
B. Encourage students to appreciate and develop working drawings based on the elements of good design and efficient construction techniques.	1,2,3,4	1,2,3,8,9,10,19,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H D – 7H
C. Develop an understanding of advanced material processes and construction techniques utilized in the manufacture of wood products.	1,3,4	1,2,3,4,5,6,7,11,12,13,19,20	Social Studies G— 1A-H1,1B-H1,1D-H1,1D-H2, 1C-H2,1D-H3 E— 1A-H1,1A-H2,1A-H3,1B-H1, 1B-H2 H— 1A-H6 C— 1A-H1
D. Practice safe and efficient work habits.	1,3,5	1,2,3,5,6,7,19,20	Science S1-H – A1,A2,A3,A7 PS-H – C1,C3,D7,G4 LS-H – D4,E1 ESS-H – A1 SE-H – A1,A3,A4,A11,B1,B2, B3,B4,B5,B6,C1,C2,C3, C4,D1,D2,D3,D4,D5,D6
E. Demonstrate advanced skills in the use of hand, portable, and stationary power machines.	1,2,3,4,5	1,2,3,5,6,7,12,13,19,20	
F. Discuss career opportunities within the woodworking industry.	1,3,5	1,2,3,4,5,6,7,8,9,10,11,12,13,19,20	
G. Discuss developing technologies in wood products manufacturing.	1,3,4,5	1,2,3,4,5,6,7,12,13,19,20	

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Subchapter E. Energy, Power, and Transportation Technology

§2533. Introduction

- A. Competency Courses
 - 1. Energy, Power and Transportation Technology;
 - 2. Power Mechanics;
 - 3. Physics of Technology I; and
 - 4. Physics of Technology II.
- B. Related Electives
 - 1. General Technology Education;
 - 2. Manufacturing Technology;
 - 3. Materials and Processes;
 - 4. Basic Metal Technology;
 - 5. Advanced Metal Technology;
 - 6. Welding Technology;
 - 7. Basic Technical Drafting;
 - 8. Advanced Technical Drafting;
 - 9. Architectural Drafting;
 - 10. Basic Electricity/Electronics; and
 - 11. Advanced Electricity/Electronics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2535. Focus Statement

A. This curriculum has been designed to facilitate teaching the course in two distinct parts. The first semester

focuses on energy and power while the second semester focuses on transportation. The study of various power, energy and transportation systems and the technological, environmental, and societal impacts associated with them will be the focus.

B. Energy, Power, and Transportation. This technology investigates the sources of energy, as well as the methods of controlling, converting, and transmitting energy. The course is designed for students to understand the common and alternative sources of energy. Students will use terminology and units of measurement related to energy systems, as well as compare and evaluate past, present, and emerging energy systems.

C. Power Mechanics. This technology investigates in-depth exploration in the field of Power Mechanics. Of primary concern are the various power conversion and generation systems and the productive utilization of those systems. Students will study and develop basic competencies in working with mechanical systems, fluid power systems, electrical systems, and internal and external combustion systems.

D. Physics of Technology I and II. This course is designed to provide students with an understanding of the use of process skills as an integral part of science activities. Students will be provided the opportunity to develop those intellectual processes of inquiry and thought by which scientific phenomena are explained, measured, predicted, organized, and communicated. These experiences will serve to reinforce scientific concepts. Work-based learning strategies appropriate for this course include field trips, service learning, and job shadowing. This course and technology Student Association technical and leadership

activities enhance skills essential for students interested in technical and engineering career fields.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2537. Energy, Power, and Transportation Technology Benchmarks

A. Standard 16. Develop an understanding of the various power, energy, and transportation systems and the technological, environmental, and societal impacts associated with them.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Investigate the sources of energy, as well as the methods of controlling, converting, and transmitting energy.	1,2,3,4,5	1,2,3,5,11,12,13,16	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
B. Explore and understand the various systems, system components, and how they interact.	2,3,4	1,2,3,4,5,6,7,11,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Research related information and develop solutions to specific problems.	1,2,3	1,2,3,6,7,10,16	Social Studies G— 1A-H1,1A-H2,1D-H1,1D-H2,1D-H3,1D-H4,1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H5,1A-H6,1A-H7,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6,1D-H3 H— 1A-H1,1A-H2,1A-H5,1A-H6
D. Foster an understanding of common and alternative sources of energy, use of terminology, and units of measurement related to energy systems.	3,4	1,2,3,4,7,8,12,16	Science S1-H – A1,A2,A3,A4,A5,A6,A7, B3,B4,B5, PS-H – B1,B2,B3,C1,C2,C6,C7, D1,D6,D7,E1,E2,E3,E4, F1,F2,G1,G2,G3,G4 ESS-H – A1,A2,A3,A5,A6,B1,B2 SE-H – A1,A2,A11,B1,B2, B3,B4,B5,B6,C1,C2, C3,C4,C5,D1,D2,D3, D4,D5,D6
E. Compare and evaluate past, present, and emerging energy systems, understand the fundamentals of the laws of thermodynamics and ways of changing energy.	1,2,3,4	1,2,3,4,5,6,7,16	
F. Explore and investigate the various technical means used to transport people and goods on land, water, air, and space.	1,2,3,4,5	1,2,3,4,5,6,7,16,18	
G. Develop a basic understanding of transportation systems and related occupations.	1,3,5	1,2,3,4,5,6,7,8,9,10,11,12,13,18	
H. Investigate the advantages and limitations of various transportation systems with implications toward future means of transportation.	1,2,3,4,5	1,2,3,4,5,6,7, 13,16,18	

B. Standard 17. Provide students with the opportunity for in-depth exploration of the field of power mechanics, of the

various power conversion and generator systems, and the productive utilization of those systems.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an awareness of the impact of power mechanics systems on our modern technological society.	1,3,5	1,2,3,4,5,6,7,16	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop and provide safety information essential for working with power mechanic systems.	1,3,5	1,2,3,5,6,7,12,13,16	
C. Develop an understanding of the various power systems and their relationship to the various forms of energy and transportation systems.	1,3,4	1,2,3,4,5,6,7,8,9,10,11,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
D. Foster an understanding of the fundamental principles of mathematics and physics applicable to power mechanics systems.	3,4	1,2,3,10,11,12,16	
E. Conduct research and development projects and write technical papers describing their projects.	1,3	1,2,3,7,8,9,10,11,12,13,16	Social Studies G – 1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A,H3 H – 1A-H2,1A-H5,1A-H6
PRINCIPLES OF TECHNOLOGY I, II Refer to Science Standards and Benchmarks guide for these two subjects.			Science S1-H— A1,A2,A3,A4,A5,A6,A7, B3,B4,B5 PS-H— B1,B2,B3,D1,D6,D7,E1, E2,E3,E4,F1,F2,G1,G2, G3,G4 ESS-H— A1,A2,A3,A5,A6,B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4, B5,B6,C1,C2,C3,C4,C5, D1,D2,D3,D4,D5,D6

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Subpart 3. Appendices

Chapter 27. Appendix A. Academic Cross References §2701. Introduction

A. This Chapter 27 includes a list of the content standards and benchmarks that have been referenced in this Part. All referenced content area standards and benchmarks are for students in grades 6-8, indicated as "M" for middle school, and grades 9-12, indicated as "H" for high school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2703. English Language Arts (ELA)

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

ELA-1-M1	Using knowledge of word meaning and developing basic and technical vocabulary using a variety of strategies (e.g., context clues affixes, etymology, dictionary).
ELA-1-M3	Reading, comprehending, and responding to written, spoken, and visual texts in extended passages.
ELA-1-M4	Interpreting texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific).
ELA-1-M5	Using purposes for reading (e.g., enjoying, learning, researching, problem solving) to achieve a variety of objectives.
ELA-1-H1	Using knowledge of word meaning and extending basic and technical vocabulary employing a variety of strategies (e.g., context clues, affixes, etymology, dictionary, thesaurus).
ELA-1-H2	Analyzing the effects of complex literary devices (e.g., figurative language, flash-back, foreshadowing, dialogue, irony) and complex elements (e.g., setting, plot, character, theme, mood, style) on a selection.
ELA-1-H3	Reading, comprehending, and responding to extended, complex written, spoken, and visual texts.
ELA-1-H4	Interpreting complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific).
ELA-1-H5	Using the various purposes for reading (e.g., enjoying, learning, researching, problem-solving) to complete complex projects.

B. Standard Two. Students write competently for a variety of purposes and audiences.

ELA-2-M1	Writing a composition that clearly implies a central idea with supporting details in a logical, sequential order.
ELA-2-M2	Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions.
ELA-2-M3	Applying the steps of the writing process.
ELA-2-M4	Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, stories, poems, letters, essays, logs).
ELA-2-M5	Recognizing and applying literary devices (e.g., figurative language, symbolism, dialogue).

ELA-2-M6	Writing as a response to texts and life experiences (e.g., letters, journals, lists).
ELA-2-H1	Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order.
ELA-2-H2	Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions.
ELA-2-H3	Applying the steps of the writing process, emphasizing revising and editing in final drafts.
ELA-2-H4	Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, stories, poems, letters, essays, editorials, critical analyses, logs).
ELA-2-H5	Recognizing and applying literary devices (e.g., figurative language, symbolism, dialogue) and various stylistic elements (e.g., diction, sentence structure, voice tone).
ELA-2-H6	Writing as a response to texts and life experiences (e.g., technical writing, resumés).

C. Standard Three. Students communicate using standard English grammar usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

ELA-3-M1	Writing legibly.
ELA-3-M2	Demonstrating use of punctuation (e.g., comma, apostrophe, colon, semicolon, quotation marks, dashes, parentheses), capitalization, and abbreviations.
ELA-3-M3	Demonstrating standard English structure and usage.
ELA-3-M4	Demonstrating understanding of the parts of speech to make choices for writing.
ELA-1-M5	Spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary.
ELA-3-H1	Writing legibly.
ELA-3-H2	Using the grammatical and mechanical conventions of standard English
ELA-3-H3	Spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary.

D. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

ELA-4-M1	Speaking intelligibly, using standard English pronunciation and diction.
ELA-4-M2	Giving and following directions/procedures.
ELA-4-M3	Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving rehearsed and unrehearsed presentations.
ELA-4-M4	Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving).
ELA-4-M5	Listening and responding to a wide variety of media (e.g., music, TV, film, speech).
ELA-4-M6	Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader, facilitator, recorder).
ELA-4-H1	Speaking intelligibly, using standard English pronunciation and diction.
ELA-4-H2	Giving and following directions/procedures.
ELA-4-H3	Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations.

ELA-4-H4	Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving).
ELA-4-H5	Listening and responding to a wide variety of media (e.g., music, TV, film, speech, CD-ROM).
ELA-4-H6	Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader, facilitator, recorder, mediator).

E. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

ELA-5-M1	Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of texts, alphabetizing, captions, legends, microprint, laser discs, hypertext, CD-ROM, pull-down menus, keyword searches, icons, passwords, entry menu features).
ELA-5-M2	Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials).
ELA-5-M3	Locating, gathering, and selecting information using graphic organizers, outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
ELA-5-M4	Using available technology to produce, revise, and publish a variety of works.
ELA-5-M5	Citing references using various formats (e.g., endnotes, bibliography).
ELA-5-M6	Interpreting graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps, flowcharts).
ELA-5-H1	Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of texts, citations, endnotes, bibliographic references, microprint, laser discs, hypertext, CD-ROM, keyword searches, bulletin boards, e-mail).
ELA-5-H2	Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials).
ELA-5-H3	Accessing information and conducting research using graphic organizers, outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
ELA-5-H4	Using available technology to produce, revise, and publish a variety of works.
ELA-5-H5	Citing references using various formats (e.g., parenthetical citations, endnotes, bibliography).
ELA-5-H6	Interpreting graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps, organizational charts/flowcharts.)

F. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

ELA-6-H1	Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups.
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G. Standard Seven. Students apply reasoning and problem solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

ELA-7-M1	Using comprehension strategies (e.g., sequencing, predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas, summarizing, recognizing literary devices, paraphrasing) in contexts.
ELA-7-M2	Problem solving by using reasoning skills, life experiences, accumulated knowledge, and relevant available information.
ELA-7-M3	Analyzing the effects of an author's purpose and point of view.
ELA-7-M4	Distinguishing fact from opinion and probability, skimming and scanning for facts, determining cause and effect, inductive and deductive reasoning, generating inquiry, and making connections with real-life situations across texts.
ELA-7-H1	Using comprehension strategies (e.g., predicting, drawing conclusions, comparing, and contrasting, making inferences, determining main ideas, summarizing, recognizing literary devices, paraphrasing) in contexts.
ELA-7-H2	Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information.
ELA-7-H3	Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view.
ELA-7-H4	Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations across texts.

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§2705. Mathematics

A. Number and Number Relations Strand (N). In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

N-1-M	Demonstrating that a rational number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, and percents).
N-2-M	Demonstrating number sense and estimation skills to describe, order, and compare rational numbers (e.g., magnitude, integers, fractions, decimals, and percents).
N-3-M	Reading, writing, representing, and using rational numbers in a variety of forms (e.g., integers, mixed numbers, and improper fractions).
N-4-M	Demonstrating a conceptual understanding of the meaning of the basic arithmetic operations (add, subtract, multiply, and divide) and their relationships to each other.
N-5-M	Applying an understanding of rational numbers and arithmetic operations to real-life situations.
N-6-M	Constructing, using, and explaining procedures to compute and estimate with rational number employing mental math strategies.
N-7-M	Selecting and using appropriate computational methods and tools for given situations involving rational numbers (e.g., estimation, or exact computation using mental arithmetic, calculator, computer, or paper and pencil).
N-1-H	Demonstrating an understanding of the real number system.

N-2-H	Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, percents, and scientific notation).
N-3-H	Using number sense to estimate and determine if solutions are reasonable.
N-4-H	Determining whether an exact or approximate answer is necessary.
N-5-H	Selecting and using appropriate computational methods and tools for given situations (e.g., estimation, or exact computation using mental arithmetic, calculator, symbolic manipulator, or paper and pencil).
N-6-H	Applying ratios and proportional thinking in a variety of situations (e.g., finding a missing term of a proportion).
N-7-H	Justifying reasonableness of solutions and verifying results.

B. Algebra Strand (A). In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

A-1-M	Demonstrating a conceptual understanding of variables, expressions, equations, and inequalities (e.g., symbolically represent real-world problems as linear terms, equations, or inequalities).
A-2-M	Modeling and developing methods for solving equations and inequalities (e.g., using charts, graphs, manipulatives, and/or standard algebraic procedures).
A-3-M	Representing situations and number patterns with tables, graphs, and verbal and written statements, while exploring the relationships among these representations (e.g., multiple representations for the same situation).
A-4-M	Analyzing tables and graphs to identify relationships exhibited by the data and making generalizations based upon these relationships.
A-5-M	Demonstrating the connection or algebra to the other strands and to real-life situations.
A-1-H	Demonstrating the ability to translate real-world situations (e.g., distance versus time relationships, population growth functions for diseases, growth of minimum wage, auto insurance tables) into algebraic expressions, equations, and inequalities and vice versa.
A-2-H	Recognizing the relationship between operations involving real numbers and operations involving algebraic expressions.
A-3-H	Using tables and graphs as tools to interpret algebraic expressions, equations, and inequalities.
A-4-H	Solving algebraic equations and inequalities using a variety of techniques with the appropriate tools (e.g., hand-held manipulatives, graphing calculator, symbolic manipulator, or pencil and paper).

C. Measurement Strand (M). In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurements.

M-1-M	Applying the concepts of length, area, surface area, volume capacity, weight, mass, money, time, temperature, and rate to real-world experiences.
M-2-M	Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of measures).

M-3-M	Selecting appropriate units and tools for tasks by considering the purpose for the measurement and the precision required for the task (e.g., length of a room in feet rather than inches).
M-4-M	Using intuition and estimation skills to describe, order, and compare formal and informal measures (e.g., ordering cup, pint, quart, gallon; comparing a meter to a yard).
M-5-M	Converting from one unit of measurement to another within the same system. (Comparisons between systems, customary and metric, should be based on intuitive reference points, not formal computation.)
M-6-M	Demonstrating the connection of measurement to the other strands and to real-life situations.
M-1-H	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-H	Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of results as related to area, volume, mass, rate, and distance).
M-3-H	Estimating, computing, and applying physical measurement using suitable units (e.g., calculate perimeter and area of plane figures, surface area and volume of solids presented in real-world situations).
M-4-H	Demonstrating the concept of measurement as it applies to real-world experiences.

D. Geometry Strand (G). In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving the one-, two-, and three-dimensional geometry, and justify their findings.

G-1-M	Using estimation skills to describe, order, and compare geometric measures.
G-2-M	Identifying describing, comparing, constructing, and classifying geometric figures and concepts.
G-3-M	Making predictions regarding transformations of geometric figures (e.g., make predictions regarding translations, reflections, and rotations of common figures).
G-4-M	Constructing two- and three-dimensional models.
G-5-M	Making and testing conjectures about geometric shapes and their properties.
G-6-M	Demonstrating an understanding of the coordinate system (e.g., locate points, identify coordinates, and graph points in a coordinate plane to represent real-world situations).
G-7-M	Demonstrating the connection of geometry to the other strands and to real-life situations (e.g., applications of the Pythagorean Theorem).
G-1-H	Identifying, describing, comparing, constructing, and classifying geometric figures in two and three dimensions using technology where appropriate to explore and make conjectures about geometric concepts and figures.
G-2-H	Representing and solving problems using geometric models and the properties of those models (e.g., Pythagorean Theorem of formulas involving radius, diameter, and circumference).
G-3-H	Solving problems using coordinate methods, as well as synthetic and transformational methods (e.g., transform on a coordinate plane a design found in real-life situations).
G-4-H	Using inductive reasoning to predict, discover, and apply geometric properties and relationships (e.g., patty paper constructions, sum of the angles in a polygon).
G-5-H	Classifying figures in terms of congruence and similarity and applying these relationships.

G-6-H	Demonstrating deductive reasoning and mathematical justification (e.g., oral explanation, informal proof, and paragraph proof).
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E. Data, Discrete Math, and Probability Strand (D). In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical thinking skills in order to make informed decisions.

D-3-H	Using simulations to estimate probabilities (e.g., lists and tree diagrams).
D-7-H	Making inferences from data that are organized in charts, tables, and graphs (e.g., pictograph; bar, line, or circle graph; stem-and-leaf plot or scatter plot).
D-8-H	Using logical thinking procedures, such as flow charts, Venn diagrams, and truth tables.
D-9-H	Using discrete math to model real-life situations (e.g., fair games or elections, map coloring).

F. Patterns, Relations, and Functions (P). In problem-solving investigations, students demonstrate understanding of patterns, relations, and functions that represent and explain real-world situations.

P-1-H	Modeling the concepts of variables, functions, and relations as they occur in the real world and using the appropriate notation and terminology.
P-2-H	Translating between tabular, symbolic, or graphic representations of functions.
P-3-H	Recognizing behavior of families of elementary functions, such as polynomial, trigonometric, and exponential functions, and, where appropriate, using graphing technologies to represent them.
P-4-H	Analyzing the effects of changes in parameters (e.g., coefficients and constants) on the graphs of functions, using technology whenever possible.
P-5-H	Analyzing real-world relationships that can be modeled by elementary functions.

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§2707. Social Studies

A. Geography Strand: Physical and Cultural Systems (G). Students develop a spatial understanding of 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	
G-1A-M1	Identifying and describing the characteristics, functions, and applications of various types of maps and other geographic representations, tools, and technologies.
G-1A-M2	Interpreting and developing maps, globes, graphs, charts, models, and databases to analyze spatial distributions and patterns.
G-1A-H1	Using geographic representations, tools, and technologies to explain, analyze, and solve geographic problems.
G-1A-H2	Organizing geographic information and answering complex questions by formulating mental maps of places and regions.

Benchmark B. Places and Regions	
G-1B-H1	Determining how location and social, cultural, and economic processes affect the features and significance of places.

Benchmark C. Physical and Human Systems	
G-1C-H1	Analyzing the ways in which Earth’s dynamic and interactive physical processes affect different regions of the world.
G-1C-H2	Determining the economic, political, and social factors that contribute to human migration and settlement patterns and evaluating their impact on physical and human systems.

Benchmark D. Environment and Society	
G-1D-M1	Analyzing and evaluating the effects of human actions upon the physical environment.
G-1D-M2	Explaining and giving examples of how characteristics of different physical environments affect human activities.
G-1D-M4	Identifying problems that relate to contemporary geographic issues and researching possible solutions.
G-1D-H1	Describing and evaluating the ways in which technology has expanded the human capability to modify the physical environment.
G-1D-H2	Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges.
G-1D-H3	Analyzing the relationship between natural resources and the exploration, colonization, settlement, and uses of land in different regions of the world.
G-1D-H4	Evaluating policies and programs related to the use of natural resources.
G-1D-H5	Developing plans to solve local and regional geographic problems related to contemporary issues.

B. 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	
C-1A-H1	Analyzing the necessity and purposes of politics and government and identifying examples of programs that fit within those purposes.

C. 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	
E-1A-M1	Describing how the scarcity of resources necessitates decision making at both personal and societal levels.
E-1A-M5	Giving examples of how skills and knowledge increase productivity and career opportunities.
E-1A-M6	Describing the essential differences in the production and allocation of goods and services in traditional, command, and market systems.
E-1A-H1	Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity cost that result.

E-1A-H2	Analyzing the roles that production, distribution, and consumption play in economic decisions.
E-1A-H3	Applying the skills and knowledge necessary in making decisions about career options.
E-1A-H4	Comparing and evaluating economic systems.
E-1A-H5	Explaining the basic features of market structures and exchanges.
E-1A-H6	Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems.

Benchmark B. United States History Era6: The Development of the Industrial United States (1870-1900)	
H-1B-H6	Analyzing the development of industrialization and examining its impact on American society.
H-1B-H16	Explaining the major changes that have resulted as the United States has moved from an industrial to an information society.
H-1B-H17	Analyzing developments and issues in contemporary American society.

Benchmark B. Individuals, Households, Businesses, and Governments	
E-1B-M1	Explaining the role of supply and demand in a competitive market system.
E-1B-M4	Identifying the costs and benefits of government policies on competitive markets.
E-1B-M5	Identifying different types of taxes and user fees and predicting their consequences.
E-1B-M6	Determining the reasons for trade between nations, identifying costs and benefits, and recognizing the worldwide interdependence that results.
E-1B-H1	Identifying factors that cause changes in supply and demand.
E-1B-H2	Analyzing how changes in supply and demand, price, incentives, and profit influence production and distribution in a competitive market system.
E-1B-H3	Analyzing the impact of government taxation, spending, and regulation on different groups in a market economy.
E-1B-H4	Analyzing the causes and consequences of worldwide economic interdependence.
E-1B-H5	Evaluating the effects of domestic policies on international trade.
E-1B-H6	Analyzing Louisiana's role in the national and world economies.

Benchmark C. World History Era9: The 20th Century Since 1945 (1945 to the Present)	
H-1C-H15	Explaining the worldwide significance of major political, economic, social, cultural, and technological, developments and trends.

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§2709. Science

A. Science as Inquiry Strand: (SI). Students will *do* science by engaging in partial and full inquiries that are within their developmental capabilities.

Benchmark C. The Economy as a Whole	
E-1C-H2	Explaining how interest rates, investments, and inflation/deflation impact the economy.

Benchmark A. The Abilities Necessary to do Scientific Inquiry	
SI-M-A1	Identifying questions that can be used to design a scientific investigation.
SI-M-A2	Designing and conducting a scientific investigation.
SI-M-A3	Using mathematics and appropriate tools and techniques to gather, analyze, and interpret data.
SI-M-A4	Developing descriptions, explanations, and graphs using data.
SI-M-A5	Developing models and predictions using the relationships between data and explanations.
SI-M-A6	Comparing alternative explanations and predictions.
SI-M-A7	Communicating scientific procedures, information, and explanations.
SI-M-A8	Utilizing safety procedures during scientific investigations.
SI-H-A1	Identifying questions and concepts that guide scientific investigations.
SI-H-A2	Designing and conducting scientific investigations.
SI-H-A3	Using technology and mathematics to improve investigations and communications.
SI-H-A4	Formulating and revising scientific explanations and models using logic and evidence.
SI-H-A5	Recognizing and analyzing alternative explanations and models.
SI-H-A6	Communicating and defending a scientific argument.
SI-H-A7	Utilizing science safety procedures during scientific investigations.

D. 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	
H-1A-M1	Describing chronological relationships and patterns.
H-1A-M2	Demonstrating historical perspective through the political, social, and economic context in which an event or idea occurred.
H-1A-M3	Analyzing the impact that specific individuals, ideas, events, and decisions had on the course of history.
H-1A-M4	Analyzing historical data using primary and secondary sources.
H-1A-H1	Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity.
H-1A-H2	Explaining and analyzing events, ideas, and issues within a historical context.
H-1A-H3	Interpreting and evaluating the historical evidence presented in primary and secondary sources.
H-1A-H4	Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
H-1A-H5	Conducting research in efforts to analyze historical questions and issues.
H-1A-H6	Analyzing cause-effect relationships.

Benchmark B. Understanding Scientific Inquiry	
SI-M-B1	Recognizing that different kinds of questions guide different kinds of scientific investigations.
SI-M-B2	Communicating that current scientific knowledge guides scientific investigations.
SI-M-B3	Understanding that mathematics, technology and scientific techniques used in an experiment can limit or enhance the accuracy of scientific knowledge.
SI-M-B4	Using data and logical arguments to propose, modify, or elaborate on principles and models.

SI-M-B5	Understanding that scientific knowledge is enhanced through peer review, alternative explanations, and constructive criticism.
SI-H-B2	Communicating 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, evaluation of current theories, and comparison of models and theories.
SI-H-B3	Communicating that scientists rely on technology to enhance the gathering and manipulation of data.
SI-H-B4	Analyzing a proposed explanation of scientific evidence according to the following criteria: follow a logical structure; follow rules of evidence; allow for questions and modifications; and is based on historical and current scientific knowledge.
SI-H-B5	Communicating that the results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists.

B. Physical Science Strand (PS). Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

1. Grades 6 - 8

Benchmark A. Properties and Changes of Properties in Matter	
PS-M-A9	Identifying elements and compounds found in common foods, clothing, household materials, and automobiles.

Benchmark B. Motions and Forces	
PS-M-B1	Describing and graphing the motions of objects.
PS-M-B2	Recognizing different forces and describing their effects (gravity, electrical, magnetic).
PS-M-B3	Understanding that, when an object is not being subjected to a force, it will continue to move at a constant speed and in a straight line.

Benchmark C. Transformations of Energy	
PS-M-C1	Identifying and comparing the characteristics of different types of energy.
PS-M-C2	Understanding the different kinds of energy transformations and the fact that energy can be neither destroyed nor created.
PS-M-C3	Understanding that the sun is a major source of energy and that energy arrives at the Earth's surface as light with a range of wavelengths.
PS-M-C6	Describing the types of energy that can be involved, converted, or released in electrical circuits.
PS-M-C7	Understanding that energy is involved in chemical reactions.
PS-M-C8	Comparing the uses of different energy resources and their effects upon the environment.

2. Grades 9 - 12

Benchmark B. Atomic Structure	
PS-H-B1	Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes).
PS-H-B2	Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay).

PS-H-B3	Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom.
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Benchmark C. The Structure and Properties of Matter	
PS-H-C1	Distinguishing among elements, compounds, and/or mixtures.
PS-H-C2	Discovering the patterns of physical and chemical properties found on the periodic table of the elements.
PS-H-C6	Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures.
PS-H-C7	Using the kinetic theory to describe the behavior of atoms and molecules during the phase changes and to describe the behavior of matter in its different phases.

Benchmark D. Chemical Reactions	
PS-H-D1	Observing and describing changes in matter and citing evidence of chemical change.
PS-H-D6	Comparing and contrasting the energy changes that accompany changes in matter.
PS-H-D7	Identifying important chemical reactions that occur in living systems, the home, industry, and the environment.

Benchmark E. Forces and Motion	
PS-H-E1	Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear).
PS-H-E2	Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically.
PS-H-E3	Understanding effects of forces on changes in motion as explained by Newtonian mechanics.
PS-H-E4	Illustrating how frame of reference affects our ability to judge motion.

Benchmark F. Energy	
PS-H-F1	Describing and representing relationships among energy, work, power, and efficiency.
PS-H-F2	Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications.

Benchmark G. Interactions of Energy and Matter	
PS-H-G1	Giving examples of the transport of energy through wave action.
PS-H-G2	Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce.
PS-H-G3	Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans.
PS-H-G4	Explaining the possible hazards of exposure to various forms and amounts of energy.

C. Earth Science Strand (ESS). Students will develop an understanding of the properties of Earth's materials, the structure of the Earth's system, the Earth's history, and the Earth's place in the universe. (WARNING: Benchmarks for grades 9-12 need to be addressed if Earth Science is not offered at the high school level.)

1. Grades 6-8

Benchmark A. Structure of the Earth	
ESS-M-A1	Understanding that the Earth is layered by density with an inner and outer core, a mantle, and a thin outer crust.
ESS-M-A2	Understanding that the Earth's crust and solid upper mantle are diving plates that move in response to convection currents (energy transfers) in the mantle.
ESS-M-A3	Investigating the characteristics of earthquakes and volcanos and identifying zones where they may occur.
ESS-M-A4	Investigating how soils are formed from weathered rock and decomposed organic material.
ESS-M-A5	Identifying the characteristics and uses of minerals and rocks and recognizing that rocks are mixtures of minerals.
ESS-M-A6	Explaining the processes involved in the rock cycle.

Benchmark B. Earth History	
ESS-M-B1	Investigating how fossils show the development of life over time.
ESS-M-B2	Devising a model that demonstrates supporting evidence that the Earth has existed for a vast period of time.

Benchmark C. Earth in the Solar System	
ESS-M-C8	Understanding that space exploration is an active area of scientific and technological research and development.

2. Grades 9-12

Benchmark A. Energy in the Earth System	
ESS-H-A1	Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems.
ESS-H-A2	Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature.
ESS-H-A3	Explaining fission and fusion in relation to the Earth's internal and external heat sources.
ESS-H-A5	Demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans.

Benchmark B. Geochemical Cycles	
ESS-H-B1	Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms.
ESS-H-B2	Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements.

D. Science and the Environment Strand (SE). In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

Benchmark A. Ecological Systems and Interactions	
SE-M-A1	Demonstrating knowledge that an ecosystem includes living, and nonliving factors and that humans are an integral part of ecosystems.

SE-M-A2	Demonstrating an understanding of how carrying capacity and limiting factors affect plant and animal populations.
SE-H-A1	Demonstrating an understanding of the functions of Earth's major ecological systems.
SE-H-A2	Investigating the flow of energy in ecological systems.
SE-H-A9	Demonstrating an understanding of influencing factors of biodiversity.
SE-H-A10	Explaining that all species represent a vital link in a complex web of interaction.
SE-H-A11	Understanding how pollutants can affect living systems.

Benchmark B. Resources and Resource Management	
SE-H-B1	Explaining the relationships between renewable and nonrenewable resources.
SE-H-B2	Comparing and contrasting conserving and preserving resources.
SE-H-B3	Recognizing that population size and geographic and economic factors result in the inequitable distribution of the Earth's resources.
SE-H-B4	Comparing and contrasting long- and short-term consequences of resource management.
SE-H-B5	Analyzing resource management.
SE-H-B6	Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's present as well as future needs.

Benchmark C. Environmental Awareness and Protection	
SE-H-C1	Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment.
SE-H-C2	Evaluating the relationships between quality of life and environmental quality.
SE-H-C3	Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations.
SE-H-C4	Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors.
SE-H-C5	Analyzing how public support affects the creation and enforcement of environmental laws and regulations.

Benchmark D. Personal Choices and Responsible Actions	
SE-H-D1	Demonstrating the effects of personal choices and actions on the natural environment.
SE-H-D2	Analyzing how individuals are capable of reducing and reversing their impact on the environment through thinking, planning, education, collaboration, and action.
SE-H-D3	Demonstrating that the most important factor in prevention and control of pollution is education.
SE-H-D4	Demonstrating a knowledge that environmental issues should be a local and global concern.
SE-H-D5	Recognizing that the development of accountability toward the environment is essential for sustainability.
SE-H-D6	Developing an awareness of personal responsibility as stewards of the local and global environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2711. Arts

A. Creative Expression (CE). Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

1. Grades 9-12

CE-1VA-H1	Producing works of art that successfully convey a central thought based on ideas, feelings, and memories.
CE-1VA-H2	Applying a variety of media techniques, technologies, and processes for visual expression and communication.
CE-1VA-H3	Recognizing and utilizing individual expression through the use of the elements of design while exploring compositional problems.
CE-1VA-H4	Producing a visual representation of ideas derived through the study of various cultures, disciplines, and art careers.
CE-1VA-H5	Producing imaginative works of art generated from individual and group ideas.

B. Aesthetic Perception (AP). Students develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

1. Grades 9-12

AP-2VA-H1	Using an expanded art/design vocabulary when responding to the aesthetic qualities of a work of art.
AP-2VA-H2	Analyzing unique characteristics of art as it reflects the quality of everyday life in various cultures.
AP-2VA-H3	Using descriptors, analogies, and other metaphors to describe interrelationships observed in works of art, nature, and the total environment.
AP-2VA-H4	Assimilating the multiple possibilities and options available for artistic expression.

C. Historical and Cultural Perception (HP). Students develop historical and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

1. Grades 9-12

HP-EVA-H1	Categorizing specific styles and periods of art as they relate to various cultural, political, and economic conditions.
HP-EVA-H2	Analyzing how works of art cross geographical, political, and historical boundaries.
HP-EVA-H4	Analyzing materials, technologies, media, and processes of the visual arts throughout history.
HP-EVA-H5	Identifying the roles of artists who have achieved recognition and ways their works have influenced the community.

D. Critical Analysis (CA). Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

1. Grades 9-12

CA-4VA-H1	Translating knowledge of the design elements and principles to communicate individual ideas.
CA-4VA-H2	Working individually/collectively to compare and contrast symbols and images in the visual arts with historical periods and in other core curricula.

CA-4VA-H3	Comparing and contrasting the processes, subjects, and media of the visual arts.
CA-4VA-H4	Analyzing how specific works are created and how they relate to cultures and to historical periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 29. Appendix B. Sample Lesson Plans

§2901. Construction—Eighth Grade-Middle School

A. Standard—M2. Explore areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction.

B. Benchmark A. Understand and use the common tools, materials, and processes common to the construction industry.

C. Foundation Skills (1), (2), (3), (4), (5). The benchmark in Subsection B above applies to skills 1,2,3,4,5 which addresses:

1. communication;
2. problem-solving;
3. resource access and utilization;
4. linking and generating knowledge; and
5. citizenship.

D. ITEA Standard—1,2,3,4,5,20

E. Academic References

1. English Language Arts

a. *STD-1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. *Benchmark ELA-1-M1. Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., context, clues, affixes, etymology, dictionary, thesaurus).

2. Mathematics

a. *STD-Measurement. In problem-solving investigations, students demonstrate an understanding of the:

- i. concepts;
- ii. process; and
- iii. real-life applications of measurement.

b. *Benchmarks M-1-M. Applying the concepts of:

- i. length;
- ii. area;
- iii. surface area;
- iv. volume;
- v. capacity;
- vi. weight;
- vii. mass;
- viii. money;
- ix. time;
- x. temperature; and
- xi. rate to real-world experiences.

3. Science

a. *STD-Science as Inquiry. The students will do science by engaging in practical and full inquires that are within their developmental capabilities.

b. *Benchmarks SI-M-A3. Using mathematics and appropriate tools and techniques to gather, analyze, and interpret data.

F. Lesson and Assessment. Teacher-generated lesson on the use of drafting elevation for construction. Include specific content related to the standards and benchmarks referenced in this lesson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2903. Basic Technical Drawing I

A. Standard—2. Understand and apply the basic concepts that are common to the broad field of technical drawing.

B. Benchmark A. Develop basic skills in the proper use of drafting instruments and materials.

C. Foundation Skills (1), (2), (3), (4), (5). The Benchmark in Subsection B above applies to skills 1, 2, 3, 4, 5, which addresses:

1. communication;
2. problem solving;
3. resource access and utilization;
4. linking and generating knowledge, and
5. citizenship.

D. ITEA Standards 1, 2, 3, 7, 8, 17

E. Academic References

1. English Language Arts (Select all that apply to the specific lesson)

a. *STD 1. Students read, comprehend, and respond to a range of materials using a variety of strategies for different purposes.

b. *Benchmark ELA-I-H1. Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., context, clues, affixes, etymology, dictionary, thesaurus).

2. Mathematics

a. *STD Measurement. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

b. *Benchmarks M-I-H. 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.

3. Science

a. *STD—Science as Inquiry. The students will do science by engaging in practical and full inquiries that are within their developmental capabilities.

b. *Benchmarks SI-H-A3. Using technology and mathematics to improve investigations and communications.

4. Lesson and Assessment. Teacher-generated lesson on the use of drafting instruments. Include specific content related to the standards and benchmarks referenced in this lesson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§2905. Basic Woodworking Technology

A. Standard—14. Explore the fundamentals of:

1. woodworking;
2. beginning with hand tool experiences; and

3. progressing into the study and use of modern power tools and machines.

B. Benchmark. Develop an understanding of the woodworking technology laboratory physical plant, its layout, management, and safety procedures (1), (2), (3), (4).

C. Foundation Skills (1), (2), (3), (4), (5). The Benchmark in Subsection B above applies to skills 1, 2, 3, 4, and 5, which addresses:

1. communication;
2. problem-solving;
3. resources access and utilization;
4. linking and generating;
5. knowledge and citizenship.

D. ITEA Standards 1, 2, 3, 5, 6, 7, 12, 13, 19, 20

E. Academic References

1. English Language Arts

a. *STD-1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. *Benchmark ELA-1-H1. Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., context clues, affixes etymology, dictionary, thesaurus).

2. Mathematics

a. *STD-Number and Number Relations. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationship within that system using a variety of techniques and tools.

b. *Benchmark N-3-H. Using number sense to estimate and determine if solutions are reasonable (2,4).

3. Science

a. *STD—Science and the Environment. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional and political actions affect the natural world.

b. *Benchmark SE-H-D2. Analyzing how individuals are capable of reducing and reversing their impact on the environment through:

- i. thinking;
- ii. planning;
- iii. education; and
- iv. action.

4. Social Studies

a. *STD-Economics. Students develop an understanding of fundamentals economic concepts as they apply to:

i. interdependence and decision making of individuals;

ii. households;

iii. businesses; and

iv. governments in the United States and the world.

b. *Benchmarks E-1A-H3. Applying the skills and knowledge necessary in making decisions about career options.

F. Lesson and Assessment. Teacher-generated lesson on laboratory organization and management. Include specific

content related to the standards and benchmarks referenced in this lesson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 31. Appendix C—Mission Statement

§3101. Introduction

A. Purpose. To develop rigorous and challenging standards that will enable all Louisiana students to become lifelong learners and productive citizens for the twenty-first century.

B. This mission statement was developed by the Louisiana Statewide Content Standards Task Force in October, 1995 and has served as the focus for the standards initiatives that have been developed by the Louisiana Department of Education. Along with this mission statement, the Task Force also identified five foundation skills that committee members felt should be embedded in all content areas to promote lifelong learning and to prepare Louisiana students to be successful in the next millennium.

C. The following five foundation skills serve as the backbone for the content standards initiative:

1. communication;
2. problem-solving;
3. resource access and utilization;
4. linking and generating knowledge;
5. citizenship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§3103. Foundation Skills

A. Foundation Skill 1—Communication:

1. exchanging of information;
2. creating and sharing meaning;
3. applying the skills of:
 - a. reading;
 - b. writing;
 - c. speaking;
 - d. listening;
 - e. viewing; and
 - f. visually representing in society and a variety of workplaces.

B. Foundation Skill 2—Problem Solving:

1. recognizing and defining problems;
2. identifying an obstacle or challenge;
3. applying knowledge and thinking processes to reach a solution using multiple pathways;
4. showing a willingness to take risks in order to learn;
5. persevering in the face of challenges and obstacles;
6. utilizing the five senses as a resource for problem solving;
7. analyzing past problems and applying basic knowledge to develop logical, creative, and practical strategies to predict, prevent, and solve problems;
8. identifying and considering a variety of viewpoints in solving problems;
9. developing, selecting, and applying strategies to solve existing and potential problems;

10. selecting and applying appropriate technology and other resources to solve problems;

11. verifying the appropriateness of the solution;

12. analyzing and evaluating the results or consequences.

C. Foundation Skill 3—Resource Access and Utilization:

1. identifying, locating, selecting, and using resource tools in analyzing, synthesizing, and communicating information;

2. identifying and employing appropriate tools, techniques, and technologies essential to the learning process, e.g.:

- a. pen, pencil, and paper;
- b. audio/video material;
- c. word processors;
- d. computer;
- e. interactive devices;
- f. telecommunications; and
- g. other emerging technologies.

D. Foundation Skill 4—Linking and Generating Knowledge:

1. using cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts;

2. applying a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned;

3. monitoring, adjusting, and expanding strategies in other contexts.

E. Foundation Skill 5—Citizenship:

1. understanding the ideals, rights, and responsibilities of active participation in a democratic republic;

2. working respectfully and productively together for the benefit of the individual and the community;

3. being accountable for one's choices and actions and understanding their impact on others;

4. knowing one's civil, constitutional, and statutory rights;

5. 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 Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Chapter 33. Appendix D. Technology Student Association

Subchapter A. Mission Statements

§3301. Technology Student Association, Inc., and Technology Student Association Mission Statements

A. Technology Student Association, Inc., Mission Statement. The mission of the Technology Student Association, Inc., is to provide leadership and support to Technology Student Association (TSA) through educational programs and services.

B. Technology Student Association Mission Statement

1. The mission of the TSA is to prepare our membership for the challenges of a dynamic world by promoting technological literacy, leadership, and problem solving, resulting in personal growth opportunities. In order to help our members achieve that goal, TSA offers recognition in both technology and leadership areas. We

believe that by just participating in a carefully designed competition, a student becomes a *winner*. He or she learns how to compete by striving to be the best. Many teachers find that TSA curricular events provide yet another motivational tool.

2. These diverse events, which are offered at different grade levels, are designed and revised every two years by a standing Curricular Resources Committee. It is comprised of technology educators who have had hands-on classroom experience. The Curricular Resources Guide, the final product, is the result of the work of the committee, its competition coordinators (also teachers), and proposals of hundreds of TSA state and chapter advisors. Those suggestions make TSA competitions as current and dynamic as they are. National competitions and awards ceremonies are held at the annual National TSA Conference in June.

3. The Curricular Resources Guide presents competition categories, evaluation standards, requirements, eligibility, and procedures that apply to National TSA competition. Many states choose to adopt the same guidelines for state competitions for consistency. Many school districts use TSA guidelines for curricular activities in the classroom. The latest revised edition includes "TSA's Awards and Recognition Programs." Both are important editions that have further improved the TSA program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

Subchapter B. Technology Course Guides

§3303. Introduction to Technology

A. Students will first study the basic elements of all technology, including:

1. processes;
2. energy;
3. information, and;
4. people.

B. Students will experience up to four systems of technology, including:

1. constructing;
2. transporting;
3. communicating; and
4. producing/manufacturing.

C. Finally, the impact of technology on society, environment, and culture will be related to the future consequences and decisions.

D. Technology Course Content

1. What is Technology?
 - a. Why Study Technology?
 - b. How Technology Affects Our Lives
 - c. The Development of Technology
 - d. Technological Change and Careers
 - e. Personnel Systems and Management
2. Resources for Technology
 - a. People
 - b. Information
 - c. Materials
 - d. Tools and Machines
 - e. Energy
 - f. Capital
 - g. Time
3. Choosing and Processing Resources

4. Systems and Problem Solving
 - a. The Input
 - b. The Process
 - c. The Output
 - d. Feedback
 - e. Subsystems
 - f. The Problem Solving System
5. Electronics and Computers
6. Systems of Technology
7. Controlling the System
8. Impacts and Outlooks
- E. TSA Instructional Activities
 1. Leadership/Management Systems
 - a. Personnel system uses class leaders to manage class/lab activities.
 - b. Officers conduct class meetings to select topics to study in technology.
 - c. Secretary assists class with seminar to report on progress.
 - d. Students speak to class and other groups about technology and impacts.
 - e. Students assume roles in personnel system to manage and maintain laboratory.
 - f. Students build display or booth to use in campaign for election or public display.
 2. Technological and Career Resources
 - a. Resource Committee arranges for speakers to explain technological careers.
 - b. Officers arrange tour of local museum or technological display.
 - c. Committee organizes career information and invites guidance personnel to class.
 - d. Students display models of technological devices in public place.
 - e. Students write or call for information related to their study.
 - f. Class invites community persons to speak on development of technology.
 3. Solving School/Community Problems
 - a. Small group or committees suggest model or services needed by school or community.
 - b. Service Committee proposes solution to a school or community problem.
 - c. Class makes model to depict solution to a problem.
 - d. Officers contact civic club or agency needing model of invention or device.
 - e. Students inspect laboratory for safety and make posters to depict problems.
 - f. Classes donate models to elementary school or library for other students to study.
 - g. Students assist others with research, display, or reports needed.
 4. Enterprise Projects
 - a. Enterprise Committee suggests services the class could perform for profit.
 - b. Class votes to select a student project or model to reproduce and sell.
 - c. Officers contract with outside group to make a model or products they will purchase.
 - d. Students build projects/products needed by school or group with fee used by student association.

- e. Students build sales model that depicts how new device/product works.
 - f. Class prepares display of the economic value of technology and inventions.
5. Contest/Achievement Recognition
- a. Recognition Committee lists contests and Achievement Program for class.
 - b. Officers cooperate in planning Technology Education display at mall during Science and Technology Week.
 - c. Classes display models and projects during school Open House or PTA meetings.
 - d. Students make safety posters for local industry judging and use.
 - e. Committee organizes a class awards system to display projects and recognize students.
 - f. Teachers register outstanding students for contests and conferences.

For further reference see: *Technology in Your World* by Michael Hacker and Robert Barden Delmar Publishers Inc., 1987 and *Living with Technology* by Michael Hacker and Robert Barden Delmar Publishers Inc., 1988

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§3305. Technological Systems

A. Technological Systems is a *hands-on* study of the systems and subsystems which are related/interrelated to technology's impact on people and their work/potential. Students solve problems and create new systems or products. Emphasis is given to critical thinking about the problem and the impact of the new system or product on people and society. Through individual and group activities, students strengthen their creative abilities and potential for success in technological occupations and educational progress.

B. Technology Course Content

- 1. Introduction to Technology
 - a. Objectives and content of course
 - b. Safety with tools, materials, and machines.
 - c. Personnel system for management and maintenance.
 - d. Career opportunities and information
- 2. Communication
 - a. Technical sketching and design
 - b. Graphic communications
 - c. Using electricity to communicate
- 3. Construction
 - a. Basic tools and machines
 - b. Materials and processes of construction
 - c. Building frames and structures
- 4. Manufacturing
 - a. Engineering and product research
 - b. Production planning
 - c. Processes for production
 - d. Management and distribution
- 5. Transportation
 - a. Power and energy systems
 - b. Impact on people
 - c. Experiences with mechanical systems
 - d. Future implications

C. TSA Instructional Activities

- 1. Leadership/Management Systems
 - a. Personnel system uses class leaders to manage class/lab activities.
 - b. Officers conduct class meetings to select products, activities, or processes to study.
 - c. Committees are set up to organize, plan, and build modules for studies of systems.
 - d. Student leaders select and train personnel for projects.
 - e. Historian assembles written reports by committee for final report.
 - f. Officers assume management role in production activities.
- 2. Technological and Career Resources
 - a. Resources Committee arranges for speaker from Chamber of Commerce.
 - b. Officers organize tour of industry related to study of technological systems.
 - c. Students interview managers in industries.
 - d. Committee collects and organizes career information.
 - e. Students invite workers to demonstrate systems and discuss careers.
 - f. Students write or call for information about systems related to study.
- 3. Solving School/Community Problems
 - a. Service Committee suggests group projects needed to solve problem in school community, or agency.
 - b. Students construct group projects which can be used to explain system, process or products.
 - c. Students demonstrate information to students or adults.
 - d. Students teach safety with basic tools to elementary children.
 - e. Students produce products, such as toys, to donate to needy children.
- 4. Enterprise Projects
 - a. Enterprise Committee suggests products for class to line produce and sell.
 - b. Students contract with local industry for funds to construct system display.
 - c. Students invite corporate manager to help set up company in class to simulate a system.
 - d. Class constructs items that involve course content and produce a profit.
 - e. Officers from company to role play contractor, subcontractor activities.
 - f. Students design advertisement to market products.
 - g. Students make school spirit items for other school groups to sell.
- 5. Contests/Achievement Recognition
 - a. Recognition Committee lists contests and Achievement Program for class.
 - b. Officers give awards for best constructed product or model in class.
 - c. Teacher preregisters models and products for state and national contests.
 - d. Committee helps organize Open House or Technology Fair to display projects and systems models.

e. Students demonstrate process or system in shopping mall or other public place.

f. Chapter recognizes students for effort and accomplishment.

For further reference see: *Technology Today and Tomorrow* by Fales, et al. Glenco Publishing Co.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§3307. Communication Systems

A. Communication Systems involves students in using technology to communicate information which is visual or audio. Communication systems are an integral part of the other technological activities involving input, processing, output, and feedback. Students employ tools, materials, and other elements to solve problems, create media, and process information. Students develop personal interests and analyze the impact of communication systems on people and society.

B. Technology Course Content

1. Introduction to Communication Technology

- a. Objectives and content of course
- b. Safety with tools, materials, and machines
- c. Personnel system for management and maintenance
- d. Career opportunities and information
- e. Communications systems
- f. Model of communications

2. Telecommunication

- a. Relationship to communications
- b. Processes
- c. One-way communications systems
- d. Two-way communications systems
- e. Telecommunications

3. Drafting Communications

- a. Relationship to communications model
- b. Equipment familiarizations
- c. Techniques
- d. Types of mechanical drawing
- e. Size description
- f. Reproduction
- g. Drafting careers

4. Graphic Communications

- a. Relationships to communications model
- b. Layout and design
- c. Image generation
- d. Photo-conversion: principles of process

photography

- e. Image transfer
- f. Binding, finishing, and packaging
- g. Graphic communications careers

5. Continuous Tone Photography

- a. Relationship to communications model
- b. Black and white still photography
- c. Cinematography
- d. Photography careers

6. Communications Enterprise and the Technology Students Association

C. TSA Instructional Activities

1. Leadership/Management Systems

a. Personnel system uses class officers to manage class/lab routines.

b. Officers lead class discussions to decide group activities.

c. Small groups or committee plan class work for year and coordinate with school association activities.

d. Students present design for products for speaking experience.

e. Students role play managers in communications work and business related to course.

f. Students produce campaign materials for elections in school students associations.

2. Technological and Career Resources

a. Resource Committee arranges for speakers from electronics or graphics industries in the community.

b. Students organize tour of TV station, newspaper, or other communications facility.

c. Committee assembles career information for use by the students.

d. Students contact local printers for unused paper and materials.

e. Students design safety posters for local industry.

f. Teacher organizes career shadowing experience for students.

3. Solving School/Community Problems

a. Service Committee suggests electronic or graphic projects needed to solve problem in school, community, or agency.

b. Students design and reproduce bulletin board for class.

4. Enterprise Projects

a. Enterprise Committee suggests product for class to print to raise money for association activities.

b. Officers may contract to make projects for civic group.

c. Officers role play corporate officers in communications activity.

d. Class develops advertising campaign for selling of products by class or chapter.

e. Students use computer to word process type for products needed by others.

f. Officers manage service to take orders for engraved name tags and signs.

5. Contest/Achievement Recognition

a. Recognition Committee lists contests and Achievement Program as learning activities for class.

b. Class gives awards for quality, design, or creativity in projects.

c. Students display graphic and electronic projects for others to see.

d. Teacher preregisters students for contests at conferences.

e. Students prepare brochure or flyer about achievements.

f. Class produces note pads or bumper stickers about technology education or Science and Technology Week.

For further reference see: *Exploring Communications* by Seymour, Ritz and Cloghessy The Goodheart-Willcox Publishing Company, Inc., 1987.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§3309. Construction Systems

A. Construction Systems emphasize the building or servicing involved in construction activities. Students gain experience in preparing a site, setting foundations, building structures, and installing mechanical systems. Activities reflect the production of one-of-a-kind items such as bridges, highways, and residential or commercial structures.

B. Technology Course Content

1. Introduction to Construction Technology
 - a. Objective and content of course
 - b. Safety with tools, materials, and machines
 - c. Personnel system for management and maintenance
 - d. Career opportunities and information
 2. Construction Planning
 - a. Beginning the project
 - b. Designing and engineering construction projects
 - c. Selecting a builder
 3. Applying Technology to People
 - a. Working as a contractor
 - b. Collective bargaining
 - c. Hiring construction personnel
 - d. Training and educating for construction
 - e. Working conditions
 - f. Advancing in construction
 - g. Handling grievances
 - h. Mediating and arbitrating
 - i. Striking
 4. Construction Production Technology
 - a. Site preparation
 - b. Setting foundations
 - c. Building superstructures
 - d. Installing utilities
 - e. Enclosing framed superstructures
 - f. Finishing the project
 - g. Completing the site
 - h. Servicing the property
 5. Impacts of construction projects on people and society.
- #### C. TSA Instructional Activities
1. Leadership/Management Systems
 - a. Personnel system uses class officers to manage class/lab activities.
 - b. Officers conduct class meeting to plan activities related to course.
 - c. Small groups called committees organize and build modules.
 - d. Student leaders select and train personnel for construction projects.
 - e. Students inspect and certify work prior to teacher grading.
 - f. Reporter greets visitors and explains class or laboratory activities.
 - g. Officers assume management role in collective bargaining sessions.
 - h. Officers announce chapter activities and speak about technology education.
 2. Technological and Career Resources
 - a. Technological and Career Resources Committee arranges for speaker from construction company in community.

- b. Officers organize tour of architectural office, engineering firm, or construction site.
 - c. Students interview construction workers, union officials and contractors.
 - d. Committee arranges visit to local modular construction manufacturing plant.
 - e. Contractors encouraged to donate unused or new materials to school.
 - f. Construction workers are invited to demonstrate their specialty and discuss inspection/codes.
 - g. Class constructs career displays, collage, or bulletin board for displaying with ads.
3. Solving School/Community Problems
 - a. Small group or committee suggests construction projects needed by school/community.
 - b. Students may help the needy with home repair or winterizing.
 - c. Class or association constructs projects such as park bench for school/community.
 - d. Students demonstrate energy, conservation, and insulation techniques.
 - e. Officers conduct meeting to hear report on problems related to construction.
 - f. Class builds item(s) needed to solve problem(s).
 - g. Students teach safety with basic tools to elementary children.
 4. Enterprise Projects
 - a. Enterprise Committee suggests project for class to construct and sell.
 - b. Students build storage shed or playhouse for resale in community.
 - c. Students contract with civic organization for funds to construct playground equipment.
 - d. Officers contract to build ticket booth or drop boxes for civic agencies.
 - e. Classes clean up a work site for local contractor who donates unused materials.
 - f. Class constructs items ordered by school personnel when related to course content.
 - g. Officers form company to role play contractor, subcontractor activities.
 - h. Students use construction lumber or masonry to make play equipment or toys to sell.
 - i. Students operate scrap lumber recycling center.
 5. Contest Achievement Recognition
 - a. Recognition Committee lists contests and Achievement Program for class.
 - b. Officers give awards for best constructed module or dream house.
 - c. Teacher preregisters well-built modules and dream houses for state and national conferences.
 - d. Teachers obtain and present *Certificates of Completion* from Associated General Contractors.
 - e. Committee helps organize Open House or Fair to display projects.
 - f. Students demonstrate technical skills, such as solar heating, at mall or public place.
 - g. Chapter recognizes students who earn points in the Achievement Program.
 - h. Students prepare speeches which describe the impacts of technology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§3311. Manufacturing Systems

A. Manufacturing Systems gives students experiences in selection of materials and using numerous manufacturing processes. Students will understand the importance of these activities to the total manufacturing system. Activities include work on a manufacturing line and solving problems related to production or quality, distributing, and servicing. The impact of manufacturing is also studied.

B. Technology Course Content

1. Introduction to Manufacturing
 - a. Objectives and content of course
 - b. Safety with tools, materials, and machines.
 - c. Personnel system for management and maintenance
 - d. Career opportunities and information
2. Manufacturing Management Technology
 - a. Identify consumer demands
 - b. Research and development
 - c. Designing manufactured goods
 - d. Three-dimensional models
 - e. Engineering the product
 - f. Planning production
 - g. Measuring work
 - h. Production control
3. Manufacturing Personnel Technology
4. The Enterprise
5. Industrial Inputs
6. Industrial Processes
 - a. Forming
 - b. Separating
 - c. Combining
7. Distribution and Servicing
8. Impact of Manufacturing and Manufactured Products on People and Society

C. TSA Instructional Activities

1. Leadership/Management Systems
 - a. Personnel system uses class officers to manage class/lab activities.
 - b. Officers, as managers, conduct class meeting to plan manufacturing activities.
 - c. Class votes on products to mass produce.
 - d. Class manufactures a profitable product to support chapter leadership activities.
 - e. Officers role play to resolve personnel conflicts.
 - f. Students make speeches or reports on class activities and impact of manufacturing.
2. Technological and Career Resources
 - a. Resource Committee arranges for speakers from industries related to course.
 - b. Students organize tour of research lab or manufacturing company.
 - c. Local companies are encouraged to donate unused, or surplus materials to school.
 - d. Workers in local industries are interviewed using questionnaire developed by committee.
 - e. Committee collects and manages career information and literature.
3. Solving School/Community Problems
 - a. Service Committee suggests products needed by school or community.

b. Committee sets up service days to repair manufactured goods.

c. Students collect toys to repair and present to needy children.

d. Students make safety posters for local industry.

e. Officers contract to solve problems for civic club or agency.

f. Class demonstrates how industry works to younger children.

4. Enterprise Projects

a. Enterprise Committee suggests products for class to manufacture and sell.

b. Officers manage enterprise for profit and support of chapter.

c. Committee contracts with civic group to produce products they will donate or sell.

d. Officers role play corporate officers in manufacturing enterprise.

e. Students build products to be sold at craft fair or local sale.

f. Class subcontracts to make parts needed for a larger production by school association.

5. Contest/Achievement Recognition

a. Recognition Committee lists contests and Achievement Program as learning activities for class members.

b. Committee organizes Open House with project exhibit and manufacturing demonstration.

c. Students practice and register for competitive events related to course.

d. Officers invite school and community personnel to visit school and observe classes.

e. Committee prepares news release about class activities and achievements.

f. Class recognizes students for progress and achievements.

For further reference see: Exploring Manufacturing by R. Thomas Wright The Goodheart-Willcox Publishing Company, Inc., 1985

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

§3313. Transportation Systems

A. Students survey the many broad sources of energy and power utilized in power and transportation systems. Instruction includes:

1. how energy is converted to power;
2. how power is transmitted and controlled; and
3. how power is utilized through mechanical fluid and electrical devices.

B. Career opportunities are explored in power and transportation fields. Students build projects, conduct experiments, and repair mechanical devices such as small engines, electric motors, and outboard motors.

C. Technology Course Content

1. Introduction to Transportation Systems

- a. Objectives and content of course
- b. Safety with tools, materials, and machines
- c. Personnel system for management and maintenance
- d. Career opportunities and information

2. Applications of power in Transportation Systems
 - a. What is transported
 - b. Where and how it is transported
 - c. Why transport
 - d. Career opportunities in transportation technology
3. Heat Engines
 - a. Internal combustion
 - b. External combustion
 - c. The use of heat engines in transportation systems
 - d. Career opportunities
4. Natural Sources of Power
 - a. Wind
 - b. Water
 - c. Solar
 - d. Muscle
 - e. Other
 - f. The use of natural sources of power in transportation systems
 - g. Career opportunities
5. Transmission and Control of Power
 - a. Mechanical
 - b. Fluid power
 - c. Electrical power
 - d. Use of transmission and control of power in transportation systems
6. Research and Development in Power and Transportation Technology
 - D. TSA Instructional Activities
 1. Leadership/Management Systems
 - a. Personnel system uses class officers to manage class/lab routines.
 - b. Officers lead class discussions to decide group activities.
 - c. Committees plan activities which help students learn the methods by which people and goods are moved.
 - d. Students demonstrate transportation systems and models to others.
 - e. Students set up management systems to model transportation industries.
 - f. Class manages chapter activities such as transportation to conference.
 2. Technological and Career Resources
 - a. Resource Committee lists persons and transportation industries in community.
 - b. Committee organizes tour of airport, trucking company, or other business related to course.
 - c. Students invite local transportation managers to explain scheduling, bills of lading, and maintenance.
 - d. Committee assembles career information for use by students.
 - e. Students identify and select files on transportation.
 - f. Students invite community workers to assist with model construction details.
 3. Solving School/Community Problems
 - a. Small group or committee suggests models and transportation items needed by school, community, or agency.
 - b. Students develop bulletin board to promote safety or energy conservation.
 - c. Class conducts a safety check of school or toys and other community items.

- d. Students organize a bicycle safety program for younger children.
- e. Class studies local road conditions and offers suggestions to solve problems.
- f. Students demonstrate use of transportation system with models at local mall.
4. Enterprise Projects
 - a. Enterprise Committee suggests product for class to raise funds for selected purpose.
 - b. Students may contract to make project for civic group.
 - c. Students make model of value to someone who will purchase model.
 - d. Class experiments with coal slurry pipeline to determine economic advantages.
 - e. Officers organize transportation to off-campus school activities.
 - f. Committee sets up a service to solve problem for community and school personnel.
5. Contests/Achievement Recognition
 - a. Recognition Committee suggests contests and Achievement program as learning activities for class.
 - b. Class gives awards for craftsmanship, design, or creativity in projects.
 - c. Students create a contest to involve students in airplane design.
 - d. Class gives awards for best transportation model.
 - e. Class displays models and student projects at Open House.
 - f. Class gives awards for energy conservation by students or others in school.

For further reference see: Energy, Power, and Transportation by Fales and Kuetemeyer Glencoe Publishing Co., 1986

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:

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.

Please respond to the following:

1. Will the proposed Rule effect the stability of the family? No
2. Will the proposed Rule effect the authority and rights of parents regarding the education and supervision of their children? No
3. Will the proposed Rule effect the functioning of the family? No
4. Will the proposed Rule effect family earnings and family budget? No
5. Will the proposed Rule effect 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? Yes

Interested persons may submit written comments until 4:30 p.m., September 8, 2004, to Nina A. Ford, Board of

Elementary and Secondary Education, 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
Content Standards Curriculum Framework**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed policy will provide Technology Education standards. The estimated printing cost of \$1225 will be funded with Federal Carl Perkins funds.
- 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 Technology Education students in attaining skills for the workplace or further education.
- 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
0408#032

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:1501, 1701, 1703, 1704, 1903, 2101 and 4310)

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 revisions to Bulletin 111, *The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). 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 define data correction and the inclusion of Option I Alternative Schools' student data in district accountability, establish a procedure to include newly reconfigured or reconstituted schools in accountability, address school performance scores when test scores are voided, provide greater flexibility in evaluating the participation of students for subgroup considerations, and exclude LEP students who have not attended an English-speaking school for one full school year from inclusion in the AMO and Percent Proficient calculation. These changes take advantage of new flexibility in guidance for No Child Left Behind and address situations that were not considered when the accountability policy was initially written.

Title 28

EDUCATION

**Part LXXXIII. Bulletin 111 The Louisiana School,
District, and State Accountability System**

**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 Required Growth
		Title I	Non-Title I	Title I	Non-Title I	All Schools
SI 1	District Assistance if SPS < 80					X
	Revised School Improvement Plan					X
SI 2	School Choice	X	X	X	-	-
	Scholastic Audit (Year 1)	X	X	X	X	-
	District Assistance Team	X	X	X	X	X
SI 3	Supplemental Educational Services (SES)	X	-	X	-	-
	Schools are eligible for DE	X	X	-	-	-
	Scholastic Audit (Year 2)	X	X	X	X	X
SI 4	Add from Corrective Action List	X	X	X	X	X
	Develop reconstitution plan (eligible for DE Partnership)	X	X	-	-	-
SI 5	Implement reconstitution plan or lose school approval	X	X	-	-	-
	Develop Alternate Governance plan	-	-	X	-	-
	Develop Reconstitution "light" plan	-	-	-	X	X
SI 6	Alternate Governance	X	X	X	-	-
	Implement Reconstitution "light" Substantial school reform aimed at increasing the academic performance of low achieving subgroups	-	-	-	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 29:2745 (December 2003), amended LR 30:

Chapter 17. Requirements for Schools in School Improvement (SI)

§1701. School Improvement 1 Requirements

A. - B.4.[Note] ...

C. School Improvement 1 Requirements

1. A Revised or New School Improvement Plan (SIP). All Louisiana schools were required to have a school improvement plan in place by May of 1998. Within 90 days of initial identification, those schools placed in School Improvement 1 (SI 1) shall be required to review and either revise or completely rewrite their plans according to the guidelines established by the Louisiana Department of Education. School Improvement 1 (SI1) schools with an SPS below 80 will receive district assistance with needs assessments and data analyses.

2. Assurance Pages. Districts with schools in school improvement 1 shall be required to provide assurances that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric. Signatures of the appropriate district personnel 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 29:2746 (December 2003), amended LR 30:

§1703. School Improvement 2 Requirements (SI 2)

A. - B.3. ...

C. All schools in SI 2 must adhere to the requirements of schools in SI 1, shall be assigned a District Assistance Team to assist in the development of the SIP according to the guidelines established by the Louisiana Department of Education, and shall submit its' SIP to the Division of School Standards, Accountability, and Assistance. Districts with school improvement 2 schools must also submit to the Louisiana Department of Education a *Quarterly Monitoring of the Implementation of the School Improvement Plan*.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:

§1704. School Improvement 3 Requirements

A. - E.3. ...

F. With the assistance of the district assistance team, the school shall continue to implement 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 29:2746 (December 2003), amended LR 30:

Chapter 19. School Improvement District and State Level Tasks

§1903. District Support at Each Level

A. District's responsibilities for school(s) in School Improvement 1:

1. for schools in SI 1 with an SPS of less than 80.0, assist with the state's diagnostic process or another process meeting state approval to identify needs in order 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.

2. provide assurances that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric.

B. District's responsibilities for school(s) in School Improvement 2:

1. continue to adhere to the requirements of SI 1 schools;
2. assign a District Assistance Team (DAT) to assist in the development of the SIP according to the guidelines established by the Louisiana Department of Education;
3. have DAT members sign assurances concerning the SIP;
4. 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;
5. assist with the scholastic audit, if necessary; and
6. 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;
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;
5. assist with the scholastic audit, if necessary; and
6. 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.

D. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:

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 in needs assessments and data analysis;
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 for all SI2 schools as funding is available. If funding is limited, SI2 schools will be prioritized from lowest SPS to highest SPS, and scholastic audits will be conducted in rank order until funding is exhausted.
2. provide training for District Assistance Teams;
3. work to secure new funding and/or redirect existing resources to help implement their improvement plans;
4. approve school choice plans;
5. provide additional school improvement funds, as available.

C. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:

Chapter 43. District Accountability

§4310. Subgroup Component AYP (Adequate Yearly Progress)

A. - A.f. ...

B. Inclusion of Students in the Subgroup Component

1. 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).

- a. Enrolled for the Full Academic Year (FAY):
 - i. at school level enrolled at the school on Oct. 1 and the date of testing;
 - ii. at district level enrolled in the district on Oct. 1 and the date of testing;
 - iii. at state level enrolled in a public LEA in the state on Oct. 1 and the date of testing.
- b. First Administration of the Test:
 - i. only the first test administration will be used for the subgroup status and growth tests;
 - ii. excludes summer school results and repeaters.
- c. - e. ...

2. For analyses involving the additional academic indicator, all students in each subgroup in the district shall be included.

3. Each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White,

Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) within each district shall be evaluated separately on ELA and mathematics.

a. In calculating the subgroup component for a district, 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 non-proficient.

b. Students participating in LAA shall be included in the special education subgroup.

c. LEP students shall participate in the statewide assessments.

i. Scores shall not be included in AMO or improvement in Percent Proficient calculations for LEP students who have not been enrolled in an English-speaking school for one full school year.

4. Subgroups shall consist of:

- a. at least 10 students in order to be evaluated for the subgroup component;
- b. at least 40 students in order to be evaluated for the 95 percent participation rate.

5. 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.

D. - E.2.b.[Note] ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1447 (July 2004), amended LR 30:

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 effect the stability of the family? No.
2. Will the proposed rule effect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed rule effect the functioning of the family? No.
4. Will the proposed rule effect family earnings and family budget? No.
5. Will the proposed rule effect 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, 2004, to Nina A. Ford, Board of Elementary and

Weegie Peabody
Executive Director

**Title 28
EDUCATION**

**Part XCIX. Bulletin 114 Trade and Industrial
Education Content Standards Curriculum
Framework Automotive, Carpentry, and Welding
Subpart 1. General Provisions**

**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)**

There are no estimated implementation costs (savings) to state governmental units. The proposed changes define data correction and the inclusion of Option I Alternative Schools' student data in District accountability, provide greater flexibility in evaluating the participation of students for subgroup considerations, and exclude LEP students who have not attended an English-speaking school for one full school year from inclusion in the AMO and Percent Proficient calculation.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be 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)**

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be no effect on competition and employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
0408#059

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 114 Trade and Industrial Education Content
Standards Curriculum Framework Automotive, Carpentry,
and Welding (LAC 28:XCIX.Chapters 1-59)

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 114 Trade and Industrial Education Content Standards Curriculum Framework Automotive, Carpentry, and Welding*. Bulletin 114 will be printed in codified format as Part XCIX of the Louisiana Administrative Code. There has been in recent years an increased effort by many industries to require the certification of skills used in those industries to assure technical competence and public confidence. Recognizing industry certifications in the training of secondary students assures that instruction is directly related to the needs of industry and nationally recognized industry standards.

Chapter 1. Purpose

§101. Introduction

A. The information contained in Subpart 1, General Provisions are applicable to Subpart 3-Automotive, Subpart 5-Carpentry, and Subpart 7-Welding.

B. The Secondary Trade and Industrial Education Program in the State of Louisiana can be described as "a secondary program designed to prepare students for careers in business, industry, and the service occupations through a sequence of applied learning experiences." Instructional units are provided in the use of layout, designing, producing, processing, assembling, testing, maintaining, and the servicing of industrial goods and products, as well as public services.

C. Intended Audience

1. The Louisiana Trade and Industrial Education curriculum framework is intended for a broad audience:

- a. trade and industrial education teachers;
- b. parents;
- c. school and district administrators;
- d. school board members;
- e. policy makers;
- f. Louisiana Department of Education staff;
- g. college/university faculty/administrators;
- h. business/industry leaders; and
- i. government agency staff.

2. The framework serves as a guide for curriculum and instruction and as a general reference to the concepts and skills taught within Louisiana Trade and Industrial Education courses. The intended users of the framework include:

a. Trade and Industrial Education teachers to use in planning:

- i. curriculum;
- ii. instruction; and
- iii. assessment;

b. parents to use as a means of assessing the effectiveness of their children's technology education;

c. school and district administrators and school board members to use as a vision for technology education and a basis for planning:

- i. resource allocations;
- ii. materials purchases;
- iii. local curriculum development;
- iv. teachers' professional development; and
- v. faculty recruitment;

d. policy makers and state Education staff to use as a basis for:

- i. developing laws, policies, professional development activities/materials, assessment strategies; and
- ii. funding priorities to support local program development;

- e. university faculty and administrators to use as a basis for the content and design of pre-service and in-service teacher education programs and articulation agreements;
- f. technical college faculty and administrators to use as a basis for articulation agreements and program development; and
- g. business/industry leaders and government agency staff to use as a basis for developing effective partnerships for supporting technology education programs and professional development.

D. How Teachers Should Use this Part XCIX. This Part XCIX outlines the content appropriate to be taught in Louisiana Trade and Industrial Education programs. Local needs will determine what should be taught in local trade and industrial education programs. Although teachers will be able to use this framework to guide them in the restructuring of their curricula, this Part XCIX does not contain specific performance criteria that are essential in technology education. These specific assessment criteria must be developed on the local level.

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§103. Definitions

Academic Cross-Reference—a reference to related academic content standards.

Applied Academics—a method of teaching in which the instructor presents subject matter in a way that relates a particular academic discipline to personal workforce application.

Approved Program—a program that offers at least four of the recommended courses for a career major—two of which must be at the competency level.

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.

Career Clusters—broad categories of occupations that form the basis for initial career exploration and discovery.

Career Major—a specific course of study within a broader career cluster.

1. Example. Accounting within the Business career cluster.

Career Path—a plan of study that will enable a student upon graduation, to be employed or enter a postsecondary school with a continuation of skills or coursework already started at the high school level.

Career Plan—a student's written plan for career and educational goals while in secondary school and beyond.

Competency Course—a required course in a career major.

Content Standard—a description of what a student should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

Cooperative Learning—an instructional strategy used in many applied academic courses that involves learning in the

context of sharing, responding, and communicating with other learners.

Curriculum Framework—an outline of broad goals and standards of a system of education.

Focus Statement—a statement describing the importance of a career major.

Foundation Skills—processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

High Schools That Work—a process model developed by the Southern Regional Education Board (SREB) that focuses on:

1. applied learning;
2. integration of academic and vocational content; and
3. school-to-work transitions.

Integrated—refers to combining elements across the strands within a particular content area or framework.

Interdisciplinary—combining elements across content areas in the curriculum.

Lifelong Learning—the concept of continued education and training, formal and informal, throughout one's career.

Portfolios—personalized, sequential career planning journals designed to guide students through career development interests and aptitudes as they progress through school and beyond; including examples of student skill mastery.

Related Elective Course—an additional course offered to complement and enhance opportunities within a career major.

School-Based Learning—program of instruction based on career majors, designed to meet high academic and occupational skill standards, which involves counseling and career exploration, and periodic evaluation of academic strengths and weaknesses.

School-to-Work Transition—a system that enables students to identify and navigate paths to productive and progressively more rewarding roles in the workplace that encompasses three components:

1. school-based learning;
2. connecting activities; and
3. work-based learning.

Skill Standard—the identification of the knowledge, skill, and level of ability needed to satisfactorily perform a given job.

Strands—concepts common to all content areas. *Strands* are interrelated and should be integrated rather than taught in isolation.

Tech Prep—a sequence of study beginning in high school and continuing through at least two years of postsecondary occupational education to prepare students for high skilled jobs that require more than a high school diploma.

Vocational Completer—a student who successfully completes four courses in a career major:

1. two must be competency courses; and
2. two must be selected from the competency courses and/or identified related electives.

Work-Based Learning—integration of theoretical instruction with a planned program of job training or experiences, paid work experience, workplace mentoring, instruction in general workplace competencies, and updating elements that will:

1. engage student interest;

2. develop positive work attitudes; and
3. prepare youth for high-skill, high-wage careers.

Workplace Mentor Can an employee at the workplace who possesses the skills to be mastered by a student, and who:

1. instructs the student;
2. critiques the student's performance;
3. challenges the student to perform well; and
4. works in consultation with classroom teachers and the employer.

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§105. Mission Statement

A. To develop rigorous and challenging standards that will enable all Louisiana students to become lifelong learners and productive citizens for the twenty-first century.

B. This mission statement was developed by the Louisiana Statewide Content Standards Task Force in October 1995 and has served as the focus for the standards initiatives that have been developed by the Louisiana Department of Education. Along with this mission statement, the Task Force also identified five foundation skills that committee members felt should be embedded in all content areas to promote lifelong learning and to prepare Louisiana students to be successful in the next millennium.

C. The following five foundation skills serve as the backbone for the content standards initiative:

1. communication;
2. problem solving;
3. resource access and utilization;
4. linking and generating knowledge;
5. citizenship.

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§107. Foundation Skills

A. Foundation Skill 1: Communication

1. Exchanging of information
2. Creating and sharing meaning
3. Applying the skills of:
 - a. reading;
 - b. writing;
 - c. speaking;
 - d. listening;
 - e. viewing; and
 - f. visually representing in society and a variety of

workplaces

B. Foundation Skill 2: Problem Solving

1. Recognizing and defining problems
2. Identifying an obstacle or challenge
3. Applying knowledge and thinking processes to reach a solution using multiple pathways
4. Showing willingness to take risks in order to learn
5. Persevering in the face of challenges and obstacles
6. Utilizing the five senses as a resource for problem solving
7. Analyzing past problems and applying basic knowledge to develop logical, creative, and practical strategies to predict, prevent, and solve problems

8. Identifying and considering a variety of viewpoints in solving problems

9. Developing, selecting, and applying strategies to solve existing and potential problems

10. Selecting and applying appropriate technology and other resources to solve problems

11. Verifying the appropriateness of the solution

12. Analyzing and evaluating the results or consequences

C. Foundation Skill 3: Resource Access and Utilization

1. Identifying, locating, selecting, and using resource tools in analyzing, synthesizing, and communicating information

2. Identifying, and employing appropriate tools, techniques, and technologies essential to the learning process, such as:

- a. pen, pencil, and paper;
- b. audio/video material;
- c. word processors;
- d. computer;
- e. interactive devices;
- f. telecommunications; and
- g. other emerging technologies.

D. Foundation Skill 4: Linking and Generating Knowledge

1. Using cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts

2. Applying a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned

3. Monitoring, adjusting, and expanding strategies in other contexts

E. Foundation Skill 5: Citizenship

1. Understanding the ideals, rights, and responsibilities of active participation in a democratic republic

2. Working respectfully and productively together for the benefit of the individual and the community.

3. Being accountable for one's choices and actions and understanding their impact on others.

4. Knowing one's civil, constitutional, and statutory rights

5. Mentoring others to be productive citizens and lifelong learners

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Chapter 3. Louisiana Content Standards Foundation Skills

§301. Foundation Skills

NOTE: The foundation skills are listed numerically after each benchmark.

A. 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 the use of the following skills:

1. reading;

2. writing;
3. speaking;
4. listening;
5. viewing; and
6. visually representing.

B. **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.

C. **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:

1. pen, pencil, and paper;
2. audio/video materials;
3. word processors;
4. computers;
5. interactive devices;
6. telecommunication; and
7. other emerging technologies.

D. **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.

E. **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:

1. the benefit of the individual and the community;
2. being accountable for one's civil, constitutional, and statutory rights; and
3. mentoring others to become productive citizens and lifelong learners.

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Chapter 5. Standards and Benchmarks

§501. Introduction

A. Standards and benchmarks provide a framework for local curriculum development. A school district's physical facilities, available equipment, resources, and community and business support are only a few of the factors that make the system unique and determine the curriculum offered.

B. In using this framework to develop curriculum, a *standard* is the major outcome of a course and *benchmarks* are the goals for obtaining that outcome. Local systems will select the career majors to be offered, the courses offered in these majors, and create the objectives and activities that teachers will use to direct their instruction to reach the benchmarks for the selected courses. This procedure will allow local systems to structure curriculum to meet the needs

of their students, schools, and communities while remaining consistent with the overall framework for the entire state.

C. Local systems will use the career majors as a guide to select the courses that will be offered for each major. Not all career majors or all courses listed with the major in this framework must be offered locally. Employment opportunities and postsecondary education availability in the local area should be considered as curriculum is developed.

D. To be identified as a vocational completer, a student must successfully complete four courses in a career major:

1. two of which *must be* competency courses; and
2. two of which must be selected from the competency courses and/or related elective courses identified in the career major.

E. Following each career major are the content standards that relate to the major. They identify what students should know and be able to do. In the column beside each standard are benchmarks that identify specific skills and knowledge and serve as points of reference to gauge student progress toward achievement of standards. Benchmarks set the direction of instruction.

F. Cross-references to academic content standards reinforce the integration of academic and technology skills. English Language Arts, Mathematics, Social Studies, and Science academic standards are cross-referenced in the third column beside each Technology Education standard. The referenced academic standards are listed in full in Chapter 7. Codes used in the table to identify the academic standards are given below.

1. ELA English Language Arts
 - a. Standard number is given, then benchmark number
2. Mathematics
 - a. 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
P - Patterns, Relations, and Functions Strand
3. Social Studies
 - a. Strand letter is given, then benchmark letter and number
G - Geography Strand
C - Civics Strand
E - Economics Strand
H - History Strand
4. Science
 - a. 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
5. Arts
 - a. Strand letter is given, then benchmark letter and number
CE - Creative Expression
AP - Aesthetic Perception
HP - Historical and Cultural Perception
CA - Critical Analysis

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Chapter 7. Academic Cross-References

§701. Introduction

A. This Chapter lists the content standards and benchmarks that are referenced in Subpart 3, Automotive; Subpart 5, Carpentry; and Subpart 7, Welding. All referenced content area standards and benchmarks are for students in grades 9-12 (indicated as "H" for high school).

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§703. English Language Arts (ELA)

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

ELA-1-H1	Using knowledge of word meaning and extending basic and technical vocabulary employing a variety of strategies (e.g., context clues, affixes, etymology, dictionary, thesaurus).
ELA-1-H2	Analyzing the effects of complex literary devices (e.g., figurative language, flashback, foreshadowing, dialogue, irony) and complex elements (e.g., setting, plot, character, theme, mood, style) on a selection.
ELA-1-H3	Reading, comprehending, and responding to extended, complex written, spoken, and visual texts.
ELA-1-H4	Interpreting complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific).
ELA-1-H5	Using the various purposes for reading (e.g., enjoying, learning, researching, problem-solving) to complete complex projects.

B. Standard Two. Students write competently for a variety of purposes and audiences.

ELA-2-H1	Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order.
ELA-2-H2	Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions.
ELA-2-H3	Applying the steps of the writing process, emphasizing revising and editing in final drafts.
ELA-2-H4	Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, stories, poems, letters, essays, editorials, critical analyses, logs).
ELA-2-H5	Recognizing and applying literary devices (e.g., figurative language, symbolism, dialogue) and various stylistic elements (e.g., diction, sentence structure, voice tone).
ELA-2-H6	Writing as a response to texts and life experiences (e.g., technical writing, résumés).

C. Standard Three. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

ELA-3-H1	Writing legibly.
ELA-3-H2	Using the grammatical and mechanical conventions of standard English.
ELA-3-H3	Spelling accurately using strategies and resources

	(e.g., glossary, dictionary, thesaurus, spell check) when necessary.
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D. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

ELA-4-H1	Speaking intelligibly, using standard English pronunciation and diction.
ELA-4-H2	Giving and following directions/procedures.
ELA-4-H3	Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations.
ELA-4-H4	Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving).
ELA-4-H5	Listening and responding to a wide variety of media (e.g., music, TV, film, speech, CD-ROM).
ELA-4-H6	Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader, facilitator, recorder, mediator).

E. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

ELA-5-H1	Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of texts, citations, endnotes, bibliographic references, microprint, laser discs, hypertext, CD-ROM, keyword searches, bulletin boards, e-mail).
ELA-5-H2	Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials).
ELA-5-H3	Accessing information and conducting research using graphic organizers, outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
ELA-5-H4	Using available technology to produce, revise, and publish a variety of works.
ELA-5-H5	Citing references using various formats (e.g., parenthetical citations, endnotes, bibliography).
ELA-5-H6	Interpreting graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps, organizational charts/flowcharts).

F. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

ELA-6-H1	Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups.
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G. Standard Seven. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

ELA-7-H1	Using comprehension strategies (e.g., predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas, summarizing, recognizing literary devices, paraphrasing) in contexts.
ELA-7-H2	Problem-solving by analyzing, prioritizing,

	categorizing, and evaluating; incorporating life experiences; and using available information.
ELA-7-H3	Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view.
ELA-7-H4	Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations across texts.

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§705. Mathematics

A. Number and Number Relations Strand (N). In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

N-1-H	Demonstrating an understanding of the real number system.
N-2-H	Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, percents, and scientific notation).
N-3-H	Using number sense to estimate and determine if solutions are reasonable.
N-4-H	Determining whether an exact or approximate answer is necessary.
N-5-H	Selecting and using appropriate computational methods and tools for given situations (e.g., estimation, or exact computation using mental arithmetic, calculator, symbolic manipulator, or paper and pencil).
N-6-H	Applying ratios and proportional thinking in a variety of situations (e.g., finding a missing term of a proportion).
N-7-H	Justifying reasonableness of solutions and verifying results.

B. Algebra Strand (A). In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

A-1-H	Demonstrating the ability to translate real-world situations (e.g., distance versus time relationships, population growth functions for diseases, growth of minimum wage, auto insurance tables) into algebraic expressions, equations, and inequalities and vice versa.
A-2-H	Recognizing the relationship between operations involving real numbers and operations involving algebraic expressions.
A-3-H	Using tables and graphs as tools to interpret algebraic expressions, equations, and inequalities.
A-4-H	Solving algebraic equations and inequalities using a variety of techniques with the appropriate tools (e.g., hand-held manipulatives, graphing calculator, symbolic manipulator, or pencil and paper).

C. Measurement Strand (M). In problem-solving investigations, students demonstrate an understanding of the

concepts, processes, and real-life applications of measurements.

M-1-H	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-H	Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of results as related to area, volume, mass, rate, and distance).
M-3-H	Estimating, computing, and applying physical measurement using suitable units (e.g., calculate perimeter and area of plane figures, surface area and volume of solids presented in real-world situations).
M-4-H	Demonstrating the concept of measurement as it applies to real-world experiences.

D. Geometry Strand (G). In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

G-1-H	Identifying, describing, comparing, constructing, and classifying geometric figures in two and three dimensions using technology where appropriate to explore and make conjectures about geometric concepts and figures.
G-2-H	Representing and solving problems using geometric models and the properties of those models (e.g., Pythagorean Theorem or formulas involving radius, diameter, and circumference).
G-3-H	Solving problems using coordinate methods, as well as synthetic and transformational methods (e.g., transform on a coordinate plane a design found in real-life situations).
G-4-H	Using inductive reasoning to predict, discover, and apply geometric properties and relationships (e.g., patty paper constructions, sum of the angles in a polygon).
G-5-H	Classifying figures in terms of congruence and similarity and applying these relationships.
G-6-H	Demonstrating deductive reasoning and mathematical justification (e.g., oral explanation, informal proof, and paragraph proof).

E. Data, Discrete Math, and Probability Strand (D). In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical thinking skills in order to make informed decisions.

D-3-H	Using simulations to estimate probabilities (e.g., lists and tree diagrams).
D-7-H	Making inferences from data that are organized in charts, tables, and graphs (e.g., pictograph; bar, line, or circle graph; stem-and-leaf plot or scatter plot).
D-8-H	Using logical thinking procedures, such as flow charts, Venn diagrams, and truth tables.
D-9-H	Using discrete math to model real-life situations (e.g., fair games or elections, map coloring).

F. Patterns, Relations, and Functions (P). In problem-solving investigations, students demonstrate understanding of patterns, relations, and functions that represent and explain real-world situations.

P-1-H	Modeling the concepts of variables, functions, and relations as they occur in the real world and using the appropriate notation and terminology.
P-2-H	Translating between tabular, symbolic, or graphic representations of functions.
P-3-H	Recognizing behavior of families of elementary functions, such as polynomial, trigonometric, and exponential functions, and, where appropriate, using graphing technologies to represent them.
P-4-H	Analyzing the effects of changes in parameters (e.g., coefficients and constants).
P-5-H	Analyzing real-world relationships that can be modeled by elementary functions.

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§707. Social Studies

A. Geography Strand: Physical and Cultural Systems (G). Students develop a spatial understanding of Earth’s surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

1. Benchmark A: The World in Spatial Terms

G-1A-H1	Using geographic representations, tools, and technologies to explain, analyze, and solve geographic problems.
G-1A-H2	Organizing geographic information and answering complex questions by formulating mental maps of places and regions.

2. Benchmark B: Places and Regions

G-1B-H1	Determining how location and social, cultural, and economic processes affect the features and significance of places.
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3. Benchmark C: Physical and Human Systems

G-1C-H1	Analyzing the ways in which Earth's dynamic and interactive physical processes affect different regions of the world.
G-1C-H2	Determining the economic, political, and social factors that contribute to human migration and settlement patterns and evaluating their impact on physical and human systems.

4. Benchmark D: Environment and Society

G-1D-H1	Describing and evaluating the ways in which technology has expanded the human capability to modify the physical environment.
G-1D-H2	Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges.
G-1D-H3	Analyzing the relationship between natural resources and the exploration, colonization, settlement, and uses of land in different regions of the world.
G-1D-H4	Evaluating policies and programs related to the use of natural resources.
G-1D-H5	Developing plans to solve local and regional geographic problems related to contemporary issues.

B. 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.

1. Benchmark A: Structure and purposes of Government

C-1A-H1	Analyzing the necessity and purposes of politics and government and identifying examples of programs that fit within those purposes.
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C. Economics Strand: Interdependence and Decision Making (E). Students develop an understanding of fundamental economic concepts as they apply them to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

1. Benchmark A: Fundamental Economic Concepts

E-1A-H1	Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity cost that result.
E-1A-H2	Analyzing the roles that production, distribution, and consumption play in economic decisions.
E-1A-H3	Applying the skills and knowledge necessary in making decisions about career options.
E-1A-H4	Comparing and evaluating economic systems.
E-1A-H5	Explaining the basic features of market structures and exchanges.
E-1A-H6	Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems.

2. Benchmark B: Individuals, Households, Businesses and Governments.

E-1B-H1	Identifying factors that cause changes in supply and demand.
E-1B-H2	Analyzing how changes in supply and demand, price, incentives, and profit influence production and distribution in a competitive market system.
E-1B-H3	Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy.
E-1B-H4	Analyzing the causes and consequences of worldwide economic interdependence.
E-1B-H5	Evaluating the effects of domestic policies on international trade.
E-1B-H6	Analyzing Louisiana’s role in the national and world economies.

3. Benchmark C: The Economy as a Whole

E-1C-H2	Explaining how interest rates, investments, and inflation/deflation impact the economy.
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D. 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.

1. Benchmark A: Historical Thinking Skills

H-1A-H1	Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity.
H-1A-H2	Explaining and analyzing events, ideas, and issues within a historical context.
H-1A-H3	Interpreting and evaluating the historical evidence presented in primary and secondary sources.
H-1A-H4	Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
H-1A-H5	Conducting research in efforts to analyze historical questions and issues.
H-1A-H6	Analyzing cause-effect relationships.

2. Benchmark B: United States History

a. Era 6: The Development of the Industrial United States (1870-1900).

H-1B-H6	Analyzing the development of industrialization and examining its impact on American society.
H-1B-H6	Explaining the major changes that have resulted as the United States has moved from an industrial to an information society.
H-1B-H7	Analyzing developments and issues in contemporary American society.

3. Benchmark C: World History

a. Era 9: The Twentieth Century since 1945 (1945 to the present)

H-1C-H15	Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends.
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§709. Science

A. Science as Inquiry Strand (SI). Students will *do* science by engaging in partial and full inquiries that are within their developmental capabilities.

1. Benchmark A: The Abilities Necessary to do Scientific Inquiry

SI-H-A1	Identifying questions and concepts that guide scientific investigations.
SI-H-A2	Designing and conducting scientific investigations.
SI-H-A3	Using technology and mathematics to improve investigations and communications.
SI-H-A4	Formulating and revising scientific explanations and models using logic and evidence.
SI-H-A5	Recognizing and analyzing alternative explanations and models.
SI-H-A6	Communicating and defending a scientific argument.
SI-H-A7	Utilizing science safety procedures during scientific investigations.

2. Benchmark B: Understanding Scientific Inquiry

SI-H-B2	Communicating 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; evaluation of current theories; and comparison of models and theories.
SI-H-B3	Communicating that scientists rely on technology to enhance the gathering and manipulation of data.
SI-H-B4	Analyzing a proposed explanation of scientific evidence according to the following criteria: follow a logical structure; follow rules of evidence; allow for questions and modifications based on historical and current scientific knowledge.
SI-H-B5	Communicating that the results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists.

B. Physical Science Strand (PS). Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

1. Benchmark A: Atomic Structure

PS-H-B1	Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes).
PS-H-B2	Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay).
PS-H-B3	Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom.

2. Benchmark B: The Structure and Properties of Matter

PS-H-C1	Distinguishing among elements, compounds, and/or mixtures.
PS-H-C2	Discovering the patterns of physical and chemical properties found on the periodic table of the elements.
PS-H-C6	Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures.
PS-H-C7	Using the kinetic theory to describe the behavior of atoms and molecules during the phase changes and to describe the behavior of matter in its different places.

3. Benchmark C: Chemical Reactions

PS-H-D1	Observing and describing changes in matter and citing evidence of chemical change.
PS-H-D6	Comparing and contrasting the energy changes that accompany changes in matter.
PS-H-D7	Identifying important chemical reactions that occur in living systems, the home, industry and the environment.

4. Benchmark D: Forces and Motion

PS-H-E1	Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear).
PS-H-E2	Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically.
PS-H-E3	Understanding effects of forces on changes in motion as explained by Newtonian mechanics.
PS-H-E4	Illustrating how frame of reference affects our ability to judge motion.

5. Benchmark E: Energy

PS-H-F1	Describing and representing relationships among energy, work, power, and efficiency.
PS-H-F2	Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications.

6. Benchmark F: Interactions of Energy and Matter

PS-H-G1	Giving examples of the transport of energy through wave action.
PS-H-G2	Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce.
PS-H-G3	Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans.
PS-H-G4	Explaining the possible hazards of exposure to various forms and amounts of energy.

C. Earth Science Strand (ESS). Students will develop an understanding of the properties of Earth's materials, the structure of the Earth's system, the Earth's history, and the Earth's place in the universe.

[WARNING: Benchmarks for grades 9-12 need to be addressed if Earth Science is not offered at the high school level.]

1. Benchmark A: Energy in the Earth System

ESS-H-A1	Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems.
ESS-H-A2	Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature.
ESS-H-A3	Explaining fission and fusion in relation to the Earth's internal and external heat sources.
ESS-H-A5	Demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans.

2. Benchmark B: Geochemical Cycles

ESS-H-B1	Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms.
ESS-H-B2	Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements.

D. Science and the Environment Strand (SE). In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

1. Benchmark A: Ecological Systems and Interactions

SE-H-A1	Demonstrating an understanding of the functions of Earth's major ecological systems.
SE-H-A2	Investigating the flow of energy in ecological systems.
SE-H-A9	Demonstrating an understanding of influencing factors of biodiversity.
SE-H-A10	Explaining that all species represent a vital link in a complex web of interaction.
SE-H-A11	Understanding how pollutants can affect living systems.

2. Benchmark B: Resources and Resource Management

SE-H-B1	Explaining the relationships between renewable and nonrenewable resources.
SE-H-B2	Comparing and contrasting conserving and preserving resources.
SE-H-B3	Recognizing that population size and geographic and economic factors result in the inequitable distribution of the Earth's resources.
SE-H-B4	Comparing and contrasting long and short-term consequences of resource management.
SE-H-B5	Analyzing resource management.
SE-H-B6	Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's present as well as future needs.

3. Benchmark C: Environmental Awareness and Protection

SE-H-C1	Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment.
SE-H-C2	Evaluating the relationships between quality of life and environmental quality.
SE-H-C3	Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations.
SE-H-C4	Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors.
SE-H-C5	Analyzing how public support affects the creation and enforcement of environmental laws and regulations.

4. Benchmark D: Personal Choices and Responsible Actions

SE-H-D1	Demonstrating the effects of personal choices and actions on the natural environment.
SE-H-D2	Analyzing how individuals are capable of reducing and reversing their impact on the environment through thinking, planning, education, collaboration, and action.
SE-H-D3	Demonstrating that the most important factor in prevention and control of pollution is education.
SE-H-D4	Demonstrating a knowledge that environmental issues should be a local and global concern.
SE-H-D5	Recognizing that the development of accountability toward the environment is essential for sustainability.
SE-H-D6	Developing an awareness of personal responsibility as stewards of the local and global environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§711. Arts

A. Creative Expression (CE). Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

CE-1VA-H1	Producing works of art that successfully convey a central thought based on ideas, feelings, and memories.
CE-1VA-H2	Applying a variety of media techniques, technologies, and processes for visual expression and communication.
CE-1VA-H3	Recognizing and utilizing individual expression through the use of the elements of design while exploring compositional problems.
CE-1VA-H4	Producing a visual representation of ideas derived through the study of various cultures, disciplines, and art careers.
CE-1VA-H5	Producing imaginative works of art generated from individual and group ideas.

B. Aesthetic Perception (AP). Students develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

AP-2VA-H1	Using an expanded art/design vocabulary when responding to the aesthetic qualities of a work of art.
AP-2VA-H2	Analyzing unique characteristics of art as it reflects the quality of everyday life in various cultures.
AP-2VA-H3	Using descriptors, analogies, and other metaphors to describe interrelationships observed in works of art, nature, and the total environment.
AP-2VA-H4	Assimilating the multiple possibilities and options available for artistic expression.

C. Historical and Cultural Perception (HP). Students develop historical and cultural perception by recognizing

and understanding that the arts throughout history are a record of human experience with a past, present, and future.

HP-3VA-H1	Categorizing specific styles and periods of art as they relate to various cultural, political, and economic conditions.
HP-3VA-H2	Analyzing how works of art cross geographical, political, and historical boundaries.
HP-3VA-H4	Analyzing materials, technologies, media, and processes of the visual arts throughout history.
HP-3VA-H5	Identifying the roles of artists who have achieved recognition and ways their works have influenced the community.

D. Critical Analysis (CA). Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

CA-4VA-H1	Translating knowledge of the design elements and principles to communicate individual ideas.
CA-4VA-H2	Working individually/collectively to compare and contrast symbols and images in the visual arts within historical periods and in other core curricula.
CA-4VA-H3	Comparing and contrasting the processes, subjects, and media of the visual arts.
CA-4VA-H4	Analyzing how specific works are created and how they relate to cultures and to historical periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Subpart 3. Automotive

Chapter 13. Automobile Technical Training Certification Program

§1301. Introduction

A. See Subpart 1 of this Part XCIX for General Provisions applicable to this Automotive Program.

B. The Board of the National Institute for Automotive Service Excellence (ASE) is the responsible body for the Automobile Technical Training Certification Program. ASE will grant certification to programs that:

1. comply with the evaluation procedure;
2. meet established standards; and
3. adhere to the policies in this document.

C. The Certification Program is under the direct supervision of the Board of Trustees of the National Automotive Technicians Education Foundation (NATEF) and such personnel who are designated or employed by the Foundation.

D. The purpose of the Automobile Technician Training Certification Program is to improve the quality of training offered at the secondary and postsecondary levels. NATEF does not endorse specific curricular materials nor provide instruction to individuals, groups, or institutions. It does,

however, set standards for the content of instruction which includes:

1. tasks;
2. tools and equipment;
3. hours; and
4. instructor qualifications.

E. The eight automobile areas that may be certified are:

1. brakes;
2. electrical/electronic systems;
3. engine performance;
4. suspension and steering;
5. automatic transmission and transaxle;
6. engine repair;
7. heating and air conditioning; and
8. manual drive train and axles.

F. Programs having difficulty in meeting certification requirements should consider the following options:

1. initiating an Articulation Agreement with another secondary or post-secondary training institution (see NATEF policies on articulation agreements).

2. borrowing equipment needed for instruction from a:
 - a. manufacturer,
 - b. dealership; or
 - c. independent repair shop.

3. arranging for instruction on tasks requiring equipment not available in the school program at a dealership or independent repair shop.

G. Programs choosing an option in Paragraph 2 or 3 above are required to show documentation on where the tasks are taught, by whom, and how students are evaluated.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Chapter 15. Entry-Level Automotive Technology Secondary Program Rationale

§1501. Introduction

A. Automotive Service Excellence (ASE) voluntary certification is a means through which auto technicians can prove their abilities to themselves, to their employers, and to their customers. By passing ASE tests, instructors will earn the most valuable credentials available to auto repair technicians. Because the tests are tough, they have the satisfaction of knowing that they are among the elite in this profession. These credentials are recognized throughout the nation. Certified technicians promote customer trust and improve the image of the auto industry. Customer trust and professionalism are the first steps to a better and more prosperous business. ASE encourages individuals to take the tests and to join the proven pros who wear the ASE Blue Seal of Excellence.

B. There are eight tests in the ASE automobile certification test series. Four of these tests (A4 Suspension and Steering; A5 Brakes; A6 Electrical/Electronic Systems; A8 Engine Performance) correspond to the four basic areas of ASE certification for training instructors to be ASE-certified in the areas that they teach. ASE offers these tests at the request of the Louisiana Department of Education to help facilitate schools' efforts to become or remain recognized by NATEF as an ASE-certified automotive training program.

C. ASE test questions are written by a panel of technical service experts from vehicle manufacturers, repair and test

equipment and parts manufacturers, plus working technicians and educators. The questions are written to deal with practical problems of diagnosis and repair experienced by technicians in their day-to-day work. All questions are quality checked on a national sample of working technicians before they are used for score in an actual test.

D. ASE certification credentials are valid for five years. This assures that certified technicians are recognized as being up-to-date in the rapidly changing automotive service business. If it has been five years since a particular test has been taken, it is time to recertify. Certification may be renewed by passing the regular certification tests.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§1503. 2001 Automobile Tests Specifications (including Content Areas and Number of Questions)

Note: Each regular test could contain up to 10 additional questions that are included for statistical research purposes only. Answers to these questions will not affect the test score. However, not knowing which ones they are, all questions in the test should be answered.

- A. A4 Suspension and Steering—40 questions
 1. Steering Systems Diagnosis and Repair – 10
 - a. Steering Columns and Manual Steering Gears (3)
 - b. Power-Assisted Steering Units (4)
 - c. Steering Linkage (3)
 2. Suspension Systems Diagnosis and Repair—13
 - a. Front Suspensions (6)
 - b. Rear Suspensions (5)
 - c. Miscellaneous Service (2)
 3. Wheel Alignment Diagnosis, Adjustment, and Repair—12
 4. Wheel and Tire Diagnosis and Repair—5
- B. A5 Brakes—55 questions
 1. Hydraulic System Diagnosis and Repair—14
 - a. Master Cylinder (non-ABS) (3)
 - b. Fluids, Lines, and Hoses (3)
 - c. Valves and Switches (non-ABS) (4)
 - d. Bleeding, Flushing, and Leak Testing (non-ABS) (4)
 2. Drum Brake Diagnosis and Repair—6
 3. Disc Brake Diagnosis and Repair—13
 4. Power Assist Units Diagnosis and Repair—4
 5. Miscellaneous Systems Diagnosis and Repair—7
 6. Anti-Lock Brake System (ABS) Diagnosis and Repair—11
- C. A6 Electrical/Electronic Systems—50 questions
 1. General Electrical/Electronic System Diagnosis—13
 2. Battery Diagnosis and Service—4
 3. Starting System Diagnosis and Repair—5
 4. Charging System Diagnosis and Repair—5
 5. Lighting Systems Diagnosis and Repair—6
 - a. Headlights, Parking Lights, Taillights, Dash Lights, and Courtesy Lights (3)
 - b. Stoplights, Turn Signals, Hazard Lights, and Backup Lights (3)
 6. Gauges, Warning Devices, and Driver Information Systems Diagnosis and Repair—6
 7. Horn and Wiper/Washer Diagnosis and Repair—3
 8. Accessories Diagnosis and Repair—8

- a. Body (4)
- b. Miscellaneous (4)
- D. A8 Engine Performance—65 questions
 - 1. General Engine Diagnosis—11
 - 2. Ignition System Diagnosis and Repair—11
 - 3. Fuel, Air Induction and Exhaust Systems Diagnosis and Repair—12
 - 4. Emissions Control systems Diagnosis and Repair (including OBD 11)—9
 - a. Positive Crankcase Ventilation (1)
 - b. Exhaust Gas Recirculation (3)
 - c. Secondary Air Injection (AIR) and Catalytic Converter (2)
 - d. Evaporative Emissions Controls (3)
 - 5. Computerized Engine Controls Diagnosis and Repair (including OBD 11)—18
 - 6. Engine Electrical Systems Diagnosis and Repair—4
 - a. Battery (1)
 - b. Starting System (1)
 - c. Charging System (2)

AUTHORITY NOTE Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Chapter 17. Industry-Based Certification Program Standards (Entry Level)

§1701. Introduction

A. Minimum Requirements. Each program must meet minimum requirements in order to become certified, as described in this §1701. The program must include laboratory/shop (co-op) experience and classroom instruction.

1. In many cases, programs may meet some requirements for certification through an articulation agreement with another institution.

B. Automobile Training Program (Per 1999 NATEF standards)

1. In order to have a program certified, ASE requires that each school offer instruction in at least four of the eight ASE specialty areas. The first four specialty areas indicated in the table below are required. The number of contact hours for each area (encompassing classroom instruction and shop time) is indicated under the Contact Hours heading.

Specialty Area	Contact Hours
Brakes	100
Electrical/Electronic Systems	200
Engine Performance	250
Suspension and Steering	100
Automatic Transmission and Transaxle	120
Engine Repair	120
Heating and Air Conditioning	90
Manual Drive Train and Axle	100

2. The NATEF task list is divided into three priority areas. The following guidelines must be followed.

- a. 95 percent of all Priority 1 (P-1) items must be taught in the curriculum.
- b. 80 percent of all Priority 2 (P-2) items must be taught in the curriculum.
- c. 50 percent of all Priority 3 (P-3) items must be taught in the curriculum.

C. Components

1. Objectives. Each unit is based on objectives that state the measurable unit and specific behavioral or performance objectives that the student is expected to achieve. Since the objectives provide direction for the teaching-learning process, the teacher and student need a common understanding of the intent of the objectives.

2. Information Sheets. Presented in outline form, the information sheets provide content essential for meeting the objectives in each unit. The student should study the information sheets before class discussion or completion of the assignments sheets. The corresponding student reference page numbers appear in the upper right hand corner of the Instructor Guide.

3. Assignment Sheets. The assignment sheets allow the students to respond to cognitive questions in writing. The corresponding student workbook page numbers appear in the upper right hand corner of the Instructor Guide.

4. Job Sheets. The job sheets are designed to guide the student through various key tasks and provide a means for the instructor to evaluate performance of the task. The corresponding student workbook page numbers appear in the upper right hand corner of the Instructor Guide.

5. Unit Tests. The unit tests evaluate the student's knowledge of the material. The corresponding student test packet page numbers appear in the upper right hand corner of the Instructor Guide.

6. Student Workbook and Student Test Packet Tracking Sheet. The tracking sheets provide the instructor with an effective way to track student progress on the assignment sheets, job sheets, and unit tests.

7. Priority Item Crosswalk Chart. The priority item crosswalk chart cross-references the information sheets and job sheets to the NATEF task list. A listing of the required percentages of a P-1, P-2, or P-3 item covered by the curriculum is given.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§1703. NATEF Program Standards

A. Standards 1 - 10

Standard 1	Purpose
Standard 1.1	Employment Potential
Standard 1.2	Program Description/Goals

Standard 2	Administration
Standard 2.1	Student Competency Certification
Standard 2.2	Chain of Command
Standard 2.3	Administrative Support
	A. Staff in-service
	B. Appropriate facilities
	C. Up-to-date tools and equipment
	D. Training support materials
Standard 2.4	Written Policies
Standard 2.5	Advisory Committees
Standard 2.6	Public/Community Relations
Standard 2.7	Live Work

Standard 3	Learning Resources
Standard 3.1	Service Information
Standard 3.2	Multimedia

Standard 3.3	Instructional Development Services
Standard 3.4	Periodicals
Standard 3.5	Student Materials

Standard 4	Finances
Standard 4.1	Program Training Costs
Standard 4.2	Budget
Standard 4.3	Budget Preparation
Standard 4.4	Status Reports

Standard 5	Student Services
Standard 5.1	Pre-Testing
Standard 5.2	Pre-Admission Interviews
Standard 5.3	Student Records
Standard 5.4	Placement
Standard 5.5	Follow-up
Standard 5.6	Legal Requirements

Standard 6	Instruction
Standard 6.1	Program Plan
Standard 6.2	Student Training Plan
Standard 6.3	Preparation Time
Standard 6.4	Teaching Load
Standard 6.5	Curriculum
Standard 6.6	Student Progress
Standard 6.7	Performance Standards
Standard 6.8	Safety Standards
Standard 6.9	Personal Characteristics
Standard 6.10	Work Habits/Ethics
Standard 6.11	Provisions for Individual Differences
Standard 6.12	Related Instruction
Standard 6.13	Testing
Standard 6.14	Evaluation of Instruction
Standard 6.15	Live Work
Standard 6.16	Articulation

Standard 7	Equipment
Standard 7.1	Safety
Standard 7.2	Type and Quality
Standard 7.3	Consumable Supplies

Standard 7	Equipment
Standard 7.4	Maintenance
Standard 7.5	Replacement
Standard 7.6	Inventory
Standard 7.7	Parts Purchasing
Standard 7.8	Hand Tools

Standard 8	Facilities
Standard 8.1	Training Stations
Standard 8.2	Safety
Standard 8.3	Maintenance
Standard 8.4	Housekeeping
Standard 8.5	Office Space
Standard 8.6	Instructional Area
Standard 8.7	Storage
Standard 8.8	Support Facilities
Standard 8.9	Ventilation
Standard 8.10	First Aid
Standard 8.11	Facility Evaluation

Standard 9	Instructional Staff
Standard 9.1	Technical Competency
Standard 9.2	Instructional Competency/Certification
Standard 9.3	Technical Updating
Standard 9.4	First Aid
Standard 9.5	Substitutes

Standard 10	Cooperative Agreements
Standard 10.1	Standards
Standard 10.2	Agreements
Standard 10.3	Supervision

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Chapter 19. Course Standards
§1901. Introduction to Automotive Technology

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
A. SAFETY			English Language Arts
(1) Identify the safe use of chemicals.	NONE	1,3,5	ELA 1 – H1, H3, H4, H5
(2) Identify the safe use of hand tools.	NONE	1,2,3	ELA 2 – H1, H2, H3, H4, H5, H6
(3) Identify the safe use of power tools.	NONE	1,3,5	ELA 3 – H1, H2, H3
(4) Identify the safe use of protective clothing and equipment.	NONE	1,2	ELA 4 – H1, H2, H3, H4, H5, H6
(5) Identify the safe use of fire protection equipment.	NONE	1,2	ELA 5 – H1, H2, H3, H4, H5, H6
(6) Identify the safe use of shop equipment.	NONE	1,2	ELA 7 – H1, H2
(7) Follow Environmental Protection Agency (EPA) and Occupational Safety and Health Act (OSHA) regulations.	NONE	1,2	Mathematics
			N – 1H, 2H, 3H, 4H, 5H, 6H, 7H
			D – 7H, 9H
			A – 1H, 2H, 3H, 4H
			M – 1H, 2H, 3H, 4H
			G – 1H, 2H, 3H, 4H, 5H, 6H
B. SHOP OPERATION			Social Studies
(1) Communicate with customers and write repair orders.	NONE	1,2,3	G - 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5
(2) Estimate time and cost for a job and order parts.	NONE	1,2,3	E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
(3) Obtain appropriate repair information from service manuals.	NONE	1,2	H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
(4) Practice clean and orderly work habits (vehicle, tools, and work area.)	NONE	1,2	Science
			SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5
			PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4
			ESS-H – A1, A2, A3, A5, A6, B1, B2, D7
C. COMPONENTS AND CAREERS			SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6
(1) Identify basic function and operation of vehicle mechanical components.	NONE	1,2	
(2) Identify automotive technology career opportunities and the duties of a technician.	NONE	1,2	

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§1903. Electrical Systems

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>D. GENERAL ELECTRICAL SYSTEMS DIAGNOSIS</p> <p>(1) Check continuity in electrical circuits using test light and voltmeter, oscilloscope, and wiring diagram.</p> <p>(2) Check for shorts, opens, and grounds.</p> <p>(3) Measure resistance in electrical circuits using an ohmmeter.</p> <p>(4) Measure volts with a voltmeter or oscilloscope.</p> <p>(5) Measure current with an ammeter.</p>	<p>VI-A-1 thru 4; VI-A-8; VI-A-9</p> <p>VI-A-1 thru 3; VI-A-6 thru 10</p> <p>VI-A-5; VI-A-8 thru 10</p> <p>VI-A-3; VI-A-8 thru 10</p> <p>VI-A-4; VI-A-8</p>	<p>1, 3, 5</p> <p>2, 3</p> <p>3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p>	<p>English Language Arts</p> <p>ELA 1 - H1, H3, H4, H5</p> <p>ELA 2 – H1, H2, H3, H4, H5, H6</p> <p>ELA 3 – H1, H2, H3</p> <p>ELA 4 – H1, H2, H3, H4, H5, H6</p> <p>ELA 5 – H1, H2, H3, H4, H5, H6</p> <p>ELA 7 – H1, H2</p> <p>Mathematics</p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>D – 7H, 9H</p> <p>A - 1H, 2H, 3H, 4H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 2H, 3H, 4H, 5H, 6H</p> <p>Social Studies</p> <p>G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5</p> <p>E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6</p> <p>H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p> <p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5</p> <p>PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4</p> <p>ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7</p> <p>SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>
<p>E. BATTERY DIAGNOSIS AND SERVICE</p> <p>(1) Clean and inspect battery clamps, cables, and connectors.</p> <p>(2) Perform battery condition tests.</p> <p>(3) Jump start a vehicle.</p> <p>(4) Charge and install a battery.</p>	<p>VI-B-3; VI-B-6</p> <p>VI-B-1; VI-B-2; VI-B-4</p> <p>VI-B-7</p> <p>VI-B-4; VI-B-5</p>	<p>1, 3, 5</p> <p>2, 3</p> <p>3, 4</p> <p>2, 3, 4</p>	
<p>F. STARTING SYSTEM DIAGNOSIS AND REPAIR</p> <p>(1) Diagnose starting system and determine necessary action.</p> <p>(2) Remove, clean, and inspect starter motor and components.</p> <p>(3) Repair or replace starter motor components.</p>	<p>VI-C-1 thru 4</p> <p>VI-C-5; VI-C-6</p> <p>VI-C-7</p>	<p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p>	
<p>G. CHARGING SYSTEM DIAGNOSIS AND REPAIR</p> <p>(1) Diagnose charging system and determine necessary action.</p> <p>(2) Remove, clean, and inspect generator (alternator).</p> <p>(3) Repair or replace generator (alternator) components.</p> <p>(4) Repair or replace charging system components.</p>	<p>VI-D-1 thru 4; VI-D-7</p> <p>VI-D-5; VI-D-6</p> <p>VI-D-5; VI-D-6</p> <p>VI-D-3; VI-D-4</p>	<p>1, 3, 5</p> <p>2, 3</p> <p>3, 4</p> <p>2, 3, 4</p>	
<p>H. LIGHTING SYSTEM DIAGNOSIS AND REPAIR</p> <p>(1) Diagnose lighting system problems and determine necessary action.</p> <p>(2) Repair or replace lights, sockets, wires, and switches.</p>	<p>V-E-6; VI-E-1; VI-E-3</p> <p>VI-A-11; VI-A-12</p> <p>VI-E-2; VI-E-3</p>	<p>2, 3, 4</p> <p>2, 3, 4</p>	
<p>I. GAUGES AND ELECTRICAL ACCESSORIES</p> <p>(1) Diagnose and repair gauge and warning circuits.</p> <p>(2) Diagnose and repair electrical accessories (horn, wiper, windshield washer, motor-driven accessory circuits, heated glass, electric lock, cruise control system, supplemental restraint system, radio).</p>	<p>I-D-12; V-E-5; VI-F-1 thru 4</p> <p>VI-A-11; VI-A-12</p> <p>VI-G-1 thru 3; VI-H-1 thru 6</p>	<p>1, 3, 5</p> <p>2, 3</p>	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§1905. Engine Performance

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>J. IGNITION SYSTEMS</p> <p>(1) Conduct engine performance tests using engine analyzer and determine necessary action.</p> <p>(2) Inspect, repair, or replace primary ignition components.</p> <p>(3) Inspect, repair, or replace secondary ignition components.</p> <p>(4) Adjust ignition system to manufacturer's specifications..</p> <p>(5) Perform on-board computer system diagnosis.</p> <p>(6) Repair or replace computer system components.</p>	<p>VIII-A-1 thru 10; VIII-B-1 thru 6;VIII-B-11; VIII-C-1;VIII-C-2 VIII-C-3; VIII-C-4; VIII-C-6 thru 9 VIII-B-7; VIII-C-4 thru 6</p> <p>VIII-B-7; VIII-C-7</p> <p>VIII-B-1 thru 5 VIII-B-5; VIII-B-7 thru 10</p>	<p>1, 3, 5</p> <p>2, 3</p> <p>3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p>	<p>English Language Arts</p> <p>ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2</p> <p>Mathematics</p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H</p> <p>Social Studies</p> <p>G – 1A-H1, 1A-H2 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p> <p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1,A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>
<p>K. FUEL AND EXHAUST SYSTEMS</p> <p>(1) Diagnose fuel system problems and determine necessary action.</p> <p>(2) Inspect, repair, or replace fuel supply components.</p> <p>(3) Disassemble, clean, and inspect carburetors.</p> <p>(4) Reassemble and adjust carburetors.</p> <p>(5) Disassemble, clean, and inspect fuel injection components</p> <p>(6) Repair or replace fuel injection components</p> <p>(7) Adjust computer-controlled fuel systems (injection and carburetor).</p> <p>(8) Diagnose and repair exhaust system problems.</p>	<p>VIII-B-1; VIII-B-2;VIII-B-7 thru 10;VIII-D-1 thru 4 VIII-B-7; VIII-D-3; VIII-D-5; VIII-D-6 VIII-B-7; VIII-D-8 VIII-D-14 VIII-B-7; VIII-D-6;VIII-D-8; VIII-D-12 thru 14 VIII-B-7;VIII-D-7 thru 11; VIII-D-14;VIII-B-7; VIII-D-7 thru 11; VIII-D-14 VIII-B-7 VIII-D-9 thru 13 VIII-D-15 thru 17</p>	<p>1, 3, 5</p> <p>2, 3</p> <p>3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p>	<p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1,A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>
<p>L. EMISSION CONTROL SYSTEMS</p> <p>(1) Diagnose emission control systems and determine necessary action.</p> <p>(2) Clean, inspect, and replace Positive Crankcase Ventilation (PCV) system components.</p> <p>(3) Clean, inspect, and replace spark timing controllers.</p> <p>(4) Clean, inspect, and replace idle speed controllers.</p> <p>(5) Clean, inspect, and replace exhaust gas recirculation.</p> <p>(6) Clean, inspect, and replace air management system.</p> <p>(7) Clean, inspect, and replace inlet air temperature control.</p> <p>(8) Clean, inspect, and replace intake manifold heat controls.</p> <p>(9) Clean, inspect, and replace fuel vapor controls.</p>	<p>VIII-D-1; VIII-D-2;VIII-E-1-1;VIII-E-2-1;VIII-E-3-1;VIII-E-2-1; VIII-E-5-1;VIII-E-6-1</p> <p>VIII-E-1-2</p> <p>VIII-E-3-2</p> <p>VIII-D-12; VIII-D-13</p> <p>VIII-D-2-2 thru 2-4</p> <p>VIII-E-3-2 thru 3-4</p> <p>VIII-E-4-2</p> <p>VIII-E-4-2</p> <p>VIII-3-5-2;VIII-E-6-2</p>	<p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p>	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§1907. Steering and Suspension Systems

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
R. STEERING SYSTEMS			English Language Arts
(1) Diagnose steering systems and determine necessary action.	IV-A-3 thru 6; IV-A-14; IV-A-21	1, 3, 5	ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA-3 – H1, H2, H3
(2) Clean and inspect power and manual steering gear boxes.	IV-A-4	2, 3	ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
(3) Reassemble, adjust, and install power and manual steering gear boxes.	IV-A-7; IV-A-12	3, 4	Mathematics
(4) Clean and inspect power and manual rack-and-pinion steering rack.	IV-A-8; IV-A-9 IV-A-12	2, 3, 4	N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
(5) Reassemble, adjust, and install power and manual rack-and pinion steering rack.	IV-A-9 thru 11	2, 3, 4	A – 1H, 2H, 3H, 4H
(6) Inspect and repair steering columns.	IV-A-1 thru 3; IV-A-6	2, 3	M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
(7) Inspect and replace steering linkage components.	IV-A-19 thru 21	2, 3, 4	Social Studies
(8) Inspect, repair, and replace power steering pumps.	IV-A-12 thru 18	2, 3, 4	G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
S. DIAGNOSE AND REPAIR FRONT SUSPENSION SYSTEMS			Science
(1) Diagnose conventional and electronic front suspension systems and determine necessary action.	IV-B-1-1; IV-B-1-2; IV-B-3-1; IV-B-3—3	1, 3, 5	SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5
(2) Inspect and repair control arm and spring assemblies on conventional systems.	IV-B-1-3; IV-B-1—9; IV-B-1-11	2, 3	PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4
(3) Inspect and repair wheel spindles and bearings.	IV-B-3-2	3, 4	ESS-H – 1A, A2, A3, A5, A6, A7, B1, B2, D7
(4) Inspect and replace shock absorbers and stabilizer bars.	IV-B-1-9; IV-B-3-1	2, 3, 4	SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6
(5) Diagnose MacPherson strut assemblies and determine necessary action.	IV-B-1-2	2, 3, 4	
(6) Clean, inspect, and assemble MacPherson strut assemblies	IV-B-1-10	2, 3, 4	
T. DIAGNOSE AND REPAIR REAR SUSPENSION SYSTEMS			
(1) Diagnose conventional and electronic rear suspension systems and determine necessary action.	IV-B-2-1 thru 2-4; IV-B-3-1 thru 3-3	2, 3	
(2) Inspect and replace shock and spring assemblies.	IV-B-2-1; IV-B-2-3; IV-B-3-1	2, 3, 4	
(3) Inspect and replace MacPherson strut assemblies.	IV-B-2-4; IV-B-3-3	2, 3, 4	
(4) Inspect and repair suspension linkages and bushings.	IV-B-2-2; IV-B-2-3	2, 3, 4	
U. TIRE AND WHEEL ALIGNMENT DIAGNOSIS AND REPAIR			
(1) Diagnose steering and tire wear problems and determine necessary action.	IV-B-1-1; IV-B-1-2; IV-B-2-3; IV-C-1; IV-D-1 thru 3;	2, 3	
(2) Set correct alignment angles on front wheels.	IV-D-5; IV-D-6 IV-C-2 thru 9; IV-C-12, IV-C-13	2, 3	
(3) Set correct camber and toe on rear wheels.	IV-C-2 thru 5; IV-C-10; IV-C-11	2, 3	
(4) Rotate and balance tire and wheel assemblies.	IV-D-1 thru 5; IV-D-7 thru 9	2, 3	

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§1909. Brakes

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
V. DIAGNOSE AND REPAIR HYDRAULIC SYSTEMS (1) Diagnose hydraulic brake systems and determine necessary action. (2) Inspect and repair or replace master cylinders and lines of the hydraulic system. (3) Inspect and replace switches and valving devices.	V-A-4 V-A-1 thru 3; V-A-5 thru 7; V-A-11; V-A-12 V-A-8 thru 12	2, 3, 4 2, 3, 4 2, 3, 4 2, 3 2, 3 2, 3 2, 3 2, 3 2, 3	English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
W. DIAGNOSE AND REPAIR DRUM BRAKES (1) Diagnose drum brake systems and determine necessary action. (2) Remove, clean, and inspect drum brake assemblies. (3) Repair, replace, and adjust drum brake components.	V-B-1; V-E-1 V-E-4 thru 6 V-B-2 thru 5; V-E-2 thru 4 V-B-5 thru 7; V-3-2; V-E-4; V-E-6; V-E-7	2, 3, 4 2, 3 2, 3 2, 3 2, 3	Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
X. DIAGNOSE AND REPAIR DISC BRAKES (1) Diagnose disc brake systems and determine necessary action. (2) Remove, clean, and inspect disc brake assemblies. (3) Repair, replace, and adjust disc brake components	V-C-1 V-C-2 thru 5; V-C-7; V-C-11; V-E-2 thru 5; V-C-6; V-C-8 thru 11; V-E-2 thru 4; V-E-6; V-E-7	2, 3 2, 3 2, 3 2, 3	Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
Y. DIAGNOSE AND REPAIR POWER ASSIST BRAKES (1) Diagnose and determine necessary action on power assist brakes. (2) Repair or replace power brake components. (3) Repair or replace hydro-boost components. (4) Check operation of anti-lock braking systems: adjust or repair.	V-A-1; V-A-4; V-D-1 thru 4 V-D-1 thru 3 V-D-4 V-F-1 thru 8	2, 3 2, 3 2, 3 2, 3 2, 3	Science S1-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, EE1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H- A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6

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Subpart 5. Carpentry

Chapter 33. Carpentry Training Certification

§3301. Introduction

A. Refer to Subpart 1 of this Part XCIX for General Provisions applicable to this Carpentry Program.

B. The carpentry-level one materials were developed by the National Center for Construction Education and Research (NCCER) in response to the training needs of the construction and maintenance industries. It is one of many in the NCCER’s standardized craft training program. The program, covering more than 30 craft areas and including all major construction skills, was developed over a period of years by industry and education specialists. Sixteen of the largest construction and maintenance firms in the United States committed financial and human resources to the teams that wrote the curricula and planned the nationally-accredited training process. These materials are industry-proven and consist of competency-based textbooks and instructor's guides.

C. The NCCER is a not-for-profit educational entity affiliated with the University of Florida and supported by the following industry and craft associations:

1. American Fire Sprinkler Association
2. American Welding Society
3. Associated General Contractors of America
4. Carolinas AGC, Inc.
5. Carolinas Electrical Contractors Association
6. Construction Industry Institute
7. Design-Build Institute of America
8. Metal Building Manufacturers Association
9. National Association of State Supervisors for Trade and Industrial Education
10. National Insulation Association
11. National Utility Contractors Association
12. North American Crane Bureau
13. Portland Cement Association
14. Steel Erectors Association of America
15. U.S. Army Corps of Engineers
16. Women Construction Owners and Executives, USA
17. American Society for Training and Development
18. Associated Builders and Contractors, Inc.
19. Association for Career and Technical Education
20. Citizen’s Democracy Corps
21. Construction Users Roundtable
22. Merit Contractors Association of Canada
23. National Association of Minority Contractors
24. National Association of Women in Construction
25. National Ready Mixed Concrete Association
26. National Vocational Technical Honor Society

27. Painting and Decorating Contractors of America
28. Skills USA-VICA
29. Texas Gulf Coast Chapter ABC
30. University of Florida

D. Some of the features of the NCCER's standardized craft training program include:

1. a proven record of success over many years of use by industry companies;
2. national standardization providing portability of learned job skills and educational credits that will be of tremendous value to trainees;
3. recognition. Upon successful completion of training with an accredited sponsor, trainees receive an industry-recognized certificate and transcript from the NCCER;
4. compliance with Apprenticeship, Training, Employer and Labor Services (ATELS) requirements (formerly BAT) for related classroom training (CFR 29:29);
5. well-illustrated, up-to-date, and practical information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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Chapter 35. Level-One Carpentry Secondary Program Rationale

§3501. Introduction

A. This course introduces the carpentry trainee to the carpentry trade, including the apprenticeship process and the opportunities within the trade.

B. Learning Objectives. Upon completion of this course, the trainee will be able to:

1. describe the history of the carpentry trade;
2. identify the stages of progress within the carpentry trade;
3. identify the responsibilities of a person working in the construction industry;
4. state the personal characteristics of a professional;
5. explain the importance of safety in the construction industry.

C. National Center for Construction Education and Research Standardized Craft Training Program

1. The National Center for Construction Education and Research (NCCER) provides a standardized national program of accredited craft training. Key features of the program include instructor certification, competency-based training, and performance testing. The program provides trainees, instructors, and companies with a standard form of recognition through a National Craft Training Registry. The program is described in full in the *Guidelines for Accreditation*, published by the NCCER. For more information on standardized craft training, contact the NCCER at P. O. Box 141104, Gainesville, FL 32614-1104, 352-334-0911, visit the Web site at www.NCCER.org, or e-mail info@NCCER.org.

D. How to Use the Annotated Instructor's Guide

1. Each page presents two sections of information. The larger section displays each page exactly as it appears in the Trainee Module. The narrow column ties suggested trainee and instructor actions to each page and provides icons which calls attention to material, safety, audiovisual, or testing requirements. The bottom of each page includes space for taking notes.

2. Teaching Tip. If the Teaching Tip icon appears, it is indicating that there is a teaching tip associated with the section. Also refer to any suggested teaching tips at the end of the module.

E. Safety Considerations. Ensure that the trainees are equipped with appropriate personal protective equipment.

F. Preparation. Before teaching this module, the Module Outline, the Learning Objectives, and the Materials and Equipment List should be reviewed. Ample time should be allowed for preparation of personal training or lesson plans and to gather all required equipment and materials.

G. Materials and Equipment List

1. Materials
 - a. Transparencies
 - b. Markers/Chalk
 - c. Module Examinations (located in the test booklet packaged with Annotated Instructor's Guide)
 - d. Exploring Careers in Construction (optional)
 - e. Videotape (optional), *Careers in Construction: Carpentry*

2. Equipment

- a. Overhead projector and screen
- b. Whiteboard/chalkboard
- c. Appropriate personal protective equipment
- d. Television and videocassette recorder (optional)

H. Additional Resources

1. This module is intended to present thorough resources for task training. The reference in Subparagraph a below is suggested for both instructors and motivated trainees interested in further study. This is optional material for continued education rather than for task training.

a. *Careers in Construction: Carpentry*, videotape. Gainesville, FL: The National Center for Construction Education and Research.

I. Teaching Time for This Module

1. An outline for use in developing a lesson plan is presented below. Note that each Roman numeral in the outline equates to one session of instruction. Each session has a suggested time period of 2 ½ hours. This includes 10 minutes at the beginning of each session for administrative tasks and one 10-minute break during the session. Approximately 2 ½ hours are suggested to cover *Orientation to the Trade*. The time required for hands-on activity and testing will need adjusting based on class size and resources.

TOPIC PLANNED TIME

Session I. Orientation to the Trade

- A. Introduction
- B. History of Carpentry
- C. Modern Carpentry
- D. Opportunities in the Construction Industry
 1. Formal Construction Training
 2. Apprenticeship Program
 - a. Youth Apprenticeship Program
 - b. Apprenticeship Standards
 3. Responsibilities of the Employee
 - a. Professionalism
 - b. Honesty
 - c. Loyalty
 - d. Willingness to Learn
 - e. Willingness to Take Responsibility
 - f. Willingness to Cooperate
 - g. Rules and Regulations

- h. Tardiness and Absenteeism
- 4. What to Expect from Your Employer
- 5. What to Expect from a Training Program
- 6. What to Expect from the Apprenticeship Comm.
- E. Human Relations
 - 1. Making Human Relations Work
 - 2. Human Relations and Productivity
 - 3. Attitude
 - 4. Maintaining a Positive Attitude
- F. Employer and Employee Safety Obligations
- G. Summary
 - 1. Summarize module
 - 2. Answer questions
- H. Module Examination
 - 1. Trainees must score 70 percent or higher to receive recognition from the NCCER.
 - 2. Record the testing results on Craft Training Report Form 200 and submit the results to the training program sponsor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Chapter 37. Industry-Based Certification Program Standards

§3701. Competencies/Objectives—Level One

- A. Module 27101 **C**Orientation to the Trade
 - 1. Describe the history of the carpentry trade.
 - 2. Identify the stages of progress within the carpentry trade.
 - 3. Identify the responsibilities of a person working in the construction industry.
 - 4. State the personal characteristics of a professional.
 - 5. Explain the importance of safety in the construction industry.
- B. Module 27102 **C**Wood Building Materials, Fasteners, and Adhesives
 - 1. Explain the terms commonly used in discussing wood and lumber.
 - 2. State the uses of various types of hardwoods and softwoods.
 - 3. Identify various types of imperfections that are found in lumber.
 - 4. Explain how lumber is graded.
 - 5. Interpret grade markings on lumber and plywood.
 - 6. Explain how plywood is manufactured, graded, and used.
 - 7. Identify various types of building boards and identify their uses.
 - 8. Identify the uses of and safety precautions associated with pressure-treated lumber.
 - 9. Describe the proper method of caring for lumber and wood building materials at the job site.
 - 10. State the uses of various types of engineered lumber.
 - 11. Calculate the quantities of lumber and wood products using industry-standard methods.
 - 12. List the basic nail and staple types and their uses.
 - 13. List the basic types of screws and their uses.
 - 14. Identify the different types of anchors and their uses.

15. Describe the common types of adhesives used in construction work and explain their uses.

C. Module 27103 **CHand and Power Tools**

- 1. Identify the hand tools commonly used by carpenters and describe their uses.
- 2. Use hand tools in a safe and appropriate manner.
- 3. State the general safety rules for operating all power tools, regardless of type.
- 4. State the general rules for properly maintaining all power tools, regardless of type.
- 5. Identify the portable power tools commonly used by carpenters and describe their uses.
- 6. Use portable power tools in a safe and appropriate manner.
- 7. Identify the stationary power tools commonly used by carpenters and describe their uses.
- 8. Use stationary power tools in a safe and appropriate manner.

D. Module 27104 **CFloor Systems**

- 1. Identify the different types of framing systems.
- 2. Read and understand drawings and specifications to determine floor system requirements.
- 3. Identify floor and sill framing and support members.
- 4. Name the methods used to fasten sills to the foundation.
- 5. Given specific floor load and span data, select the proper girder/beam size from a list of available girders/beams.
- 6. List and recognize different types of floor joists.
- 7. Given specific floor load and span data, select the proper joist size from a list of available joists.
- 8. List and recognize different types of bridging.
- 9. List and recognize different types of flooring materials.
- 10. Explain the purposes of subflooring and underlayment.
- 11. Match selected fasteners used in floor framing to their correct uses.
- 12. Estimate the amount of material needed to frame a floor assembly.
- 13. Demonstrate the ability to:
 - a. lay out and construct a floor assembly;
 - b. install bridging;
 - c. install joists for a cantilever floor;
 - d. install a subfloor using butt-joining plywood/OSB panels
 - e. install a single floor system using tongue-and-groove plywood/OSB panels.
- E. Module 27105 **C**Wall and Ceiling Framing
 - 1. Identify the components of a wall and ceiling layout.
 - 2. Describe the procedure for laying out a wood frame wall, including:
 - a. plates;
 - b. corner posts;
 - c. door and window openings;
 - d. partition T's;
 - e. bracing; and
 - f. firestops.
 - 3. Describe the correct procedure for assembling and erecting an exterior wall.

4. Describe the common materials and methods used for installing sheathing on walls.

5. Lay out, assemble, erect, and brace exterior walls for a frame building.

6. Describe wall framing techniques used in masonry construction.

7. Explain the use of metal studs in wall framing.

8. Describe the correct procedure for laying out a ceiling.

9. Cut and install ceiling joists on a wood frame building.

10. Estimate the materials required to frame walls and ceilings.

F. Module 27106 **C**Roof Framing

1. Understand the terms associated with roof framing.

2. Identify the roof framing members used in gable and hip roofs.

3. Identify the methods used to calculate the length of a rafter.

4. Identify the various types of trusses used in roof framing.

5. Use a rafter framing square, speed square, and calculator in laying out a roof.

6. Identify various types of sheathing used in roof construction.

7. Frame a gable roof with vent openings.

8. Frame a roof opening.

9. Construct a frame roof, including:

- a. hips;
- b. valleys;
- c. commons;
- d. jack rafters; and
- e. sheathing.

10. Erect a gable roof using trusses.

11. Estimate the materials used in framing and sheathing a roof.

G. Module 27107 **C**Windows and Exterior Doors

1. Identify various types of fixed, sliding, and swinging windows.

2. Identify the parts of a window installation.

3. State the requirements for a proper window installation.

4. Install a pre-hung window.

5. Identify the common types of skylights and roof windows.

6. Describe the procedure for properly installing a skylight.

7. Identify the common types of exterior doors and explain how they are constructed.

8. Identify the parts of a door installation.

9. Identify the types of thresholds used with exterior doors.

10. Install a threshold on a concrete floor.

11. Install a pre-hung exterior door with weatherstripping.

12. Identify the various types of locksets used on exterior doors and explain how they are installed.

13. Explain the correct installation procedure for a rollup garage door.

14. Install a lockset.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Chapter 39. Course Standards
§3901. Entry Level Carpentry Training

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. Orientation to the Trade</p> <p>(1) Describe the history of the carpentry trade.</p> <p>(2) Identify the stages of progress within the carpentry trade.</p> <p>(3) Identify the responsibilities of a person working in the industry.</p> <p>(4) State the personal characteristics of a professional.*</p> <p>(5) Explain the importance of safety in the construction industry.</p> <p>* The professional is working for the benefit of the individual and the community within the confines of the local and state building codes.</p>	<p>1, 3, 5</p> <p>1, 2, 3</p> <p>1, 3, 5</p> <p>1, 2, 5</p> <p>1, 2</p>	<p>English Language Arts</p> <p>ELA 1 – H1, H3, H4, H5</p> <p>ELA 2 – H1, H2, H3, H4, H5, H6</p> <p>ELA 3 – H1, H2, H3</p> <p>ELA 4 – H1, H2, H3, H4, H5, H6</p> <p>ELA 5 – H1, H2, H3, H4, H5, H6</p> <p>ELA 7 – H1, H2</p> <p>Mathematics</p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>D – 7H, 9H</p> <p>A – 1H, 2H, 3H, 4H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 2H, 3H, 4H, 5H, 6H</p> <p>Social Studies</p> <p>G - 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5</p> <p>E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6</p> <p>H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p> <p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5</p> <p>PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4</p> <p>ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7</p> <p>SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

(11) Match selected fasteners used in floor framing to their correct uses.	2, 3, 4	
(12) Estimate the amount of material needed to frame a floor assembly.	2, 3, 4	
(13) Demonstrate the ability to: lay out and construct a floor assembly; install bridging; install joists for cantilever floor; install a subfloor using butt-joint plywood; install a single floor system.	2, 3, 4	
D. WALL AND CEILING FRAMING		
(1) Identify the components of a wall and ceiling layout.	1, 2, 3, 4	
(2) Describe the procedure for laying out a wood frame wall, including plates, corner posts, door and window openings, partition T's bracing, and firestops.	1, 3, 5	
(3) Describe the correct procedure for assembling and erecting an exterior wall.	1, 2, 3	
(4) Describe the common materials and methods used for installing sheathing on walls.	1, 3, 4	
(5) Lay out, assemble, erect, and brace exterior walls for a frame building.	2, 3, 4	
(6) Describe wall framing techniques used in masonry construction.	1, 2, 3, 4	
(7) Explain the use of metal studs in wall framing.	1, 2, 3, 4	
(8) Describe the correct procedure for laying out a ceiling.	1, 2, 3, 4	
(9) Cut and install ceiling joists on a wood frame building.	2, 3, 4	
(10) Estimate the materials required to frame walls and ceilings.	2, 3, 4	
E. ROOF FRAMING		
(1) Understand the terms associated with roof framing.	1, 3, 5	
(2) Identify the roof framing members used in gable and hip roofs.	1, 2, 3	
(3) Identify the methods used to calculate the length of a rafter.	1, 3, 4	
(4) Identify the various types of trusses used in roof framing.	1, 2, 3, 4	
(5) Use a rafter framing squire, speed square, and calculator in laying a roof.	2, 3, 4	
(6) Identify various types of sheathing used in roof construction.	1, 2, 3, 4	
(7) Frame a gable roof with vent openings.	2, 3, 4	
(8) Frame a roof opening.	2, 3, 4	
(9) Construct a frame roof, including hips, valleys, commons, jack rafters, and sheathing.	2, 3, 4	
(10) Erect a gable roof using trusses.	2, 3, 4	
(11) Estimate the materials used in framing and sheathing a roof.	2, 3, 4	
F. WINDOWS AND EXTERIOR DOORS		
(1) Identify various types of fixed, sliding, and swinging windows.	1, 2, 3, 4	
(2) Identify the parts of a window installation.	1, 2, 3, 4	
(3) State the requirements for a proper window installation.	1, 2, 3, 4	
(4) Install a pre-hung window.	2, 3, 4	
(5) Identify the common types of skylights and roof windows.	1, 2, 3, 4	
(6) Describe the procedure for properly installing a skylight.	1, 2, 3, 4	
(7) Identify the common types of exterior doors and explain how they are constructed.	1, 2, 3, 4	
(8) Identify the parts of a door installation.	1, 2, 3, 4	
(9) Identify the types of thresholds used with exterior doors.	1, 2, 3, 4	
(10) Install a threshold on a concrete floor.	2, 3, 4	
(11) Install a pre-hung exterior door with weatherstripping .	2, 3, 4	
(12) Identify the various types of locksets used on exterior doors and explain how they are installed.	1, 2, 3, 4	
(13) Explain the correct installation procedure for a rollup garage door.	1, 2, 3, 4	
(14) Install a lockset.	2, 3, 4	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Subpart 7. Welding

Chapter 55. Entry-Level Welding

§5501. Introduction

A. Refer to Subpart 1 of this Part XCIX for General Provisions applicable to this Welding Program.

B. *Entry-Level Welder*—an individual employed in this position is considered to possess the prerequisite knowledge, attitude, skills, and abilities required to perform procedures that involve routine, predictable, repetitive, proceduralized tasks involving motor skills and limited theoretical knowledge while working under close supervision.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§5503. Entry-Level Welder Occupational Description

A. Common work assignments:

1. follows detailed verbal or written instructions given by an immediate supervisor to set up and carry out specific job assignments;

2. performs general housekeeping duties to maintain workspace, equipment, and tool cleanliness;

3. fills out, maintains, and submits a time or work assignment card, record, or report as required by the employer's or institution's internal policy;

4. follows safety regulations in the performance of daily duties.

B. Drawing and welding symbol interpretation:

1. prepares parts from simple sketches or drawings;

2. performs welding operations; and

3. prepares welded joints from welding symbol information.

C. Arc welding:

1. sets up shielded metal arc welding operations, for all position fillet and groove welding within a limited thickness range of plain carbon steel material;

2. sets up gas metal arc welding (short circuit transfer) operations, for all position fillet and groove welding within a limited thickness range of plain carbon steel;

3. sets up gas metal arc welding (spray transfer) operations for limited position and material thickness range on plain carbon steel;

4. sets up flux cored arc welding operations for all positions, fillet, and groove welding within a limited thickness range of plain carbon steel material;

5. performs gas tungsten arc welding operations on aluminum and stainless steel within a limited position, limited material thickness range;

6. performs minor external repairs to equipment and accessories.

D. Oxyfuel gas cutting:

1. sets up and performs manual oxyfuel gas cutting operations that include straight and shape cutting, beveling, and weld removal (weld washing);

2. sets up and operates machine oxyfuel gas cutting equipment (track burner) to perform straight cutting and beveling operations;

3. performs minor external repairs to equipment and accessories.

E. Arc cutting and gouging:

1. removes metal using the air carbon arc cutting process;

2. carries out shape cutting operations using the manual plasma arc cutting process;

3. performs minor external repairs to equipment and accessories.

F. Inspection:

1. visually examines all personal welding and cutting assignments for unfavorable weld and cut edge surface discontinuities before final inspection by a supervisor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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Chapter 57. Entry-Level Welding Technology Secondary Program

§5701. Rationale

A. The American Welding Society recognized the need for entry-level welders, and through a grant by the U.S. Department of Education, formed the Education Grant Committee, and assigned it the task of preparing a standards guide.

B. Welding has become a very sophisticated and technical science, requiring not only mental application but also hands-on abilities. The future need for competent welders should prompt the establishment of a greater number of educational programs. Thus, it becomes imperative that the training given be of sufficient quality and quantity to prepare trainees for industrial assignments at various levels of skill development well into the next century. To this end, entry-level workers come to the workforce as prospective first-time practitioners of the craft.

C. Work Environment. Entry level welders are employed in a wide range of industries that use welding and welding-related tasks during the course of daily operations. This range of industries includes small, medium, and large union or nonunion facilities.

D. Occupational Hazards. As is the case in most metalworking industries, the potential for bodily harm and hazardous situations exists. High electrical currents and voltages are used to operate machinery and welding equipment. Machinery for shearing, forming, and punching various thicknesses of materials is used. Flammable and other compressed gases are used during flame cutting and welding operations. Welders may work in enclosed, restricted spaces, and at times at high elevations and in awkward positions. A hazardous noise level is sometimes generated during the production process. The welder must take safety precautions, and be safety conscious at all times.

E. Worker Profile. This position involves concentration, decision making, and physical tasks.

F. Physical Requirements. Entry-level welders must meet the physical requirements established by the employer.

G. Employability. Entry-level welders should exhibit good written, oral, and listening skills and be good at problem solving and decision making. These individuals should demonstrate good judgment, be dependable and interact well with people.

H. Education. Entry-level welders training is accomplished through secondary, postsecondary, vocational-technical schools, junior colleges, universities, apprenticeship, or employer-based welder training programs. Sufficient workplace skills (i.e., foundation skills such as reading, writing, math, science, communication skills, and adaptability skills) are required to complete requisite welding-related knowledge and skills training.

I. Curriculum Guidelines. It is the sole intent of these guidelines to define a competency-based welding curriculum. Therefore, it is the responsibility of the secondary, postsecondary, or employer-based training program to establish any guidelines for the duration of training and prerequisites related to basic skills (i.e., reading, writing, mathematics, and listening/oral communications). Training activities should consistently reinforce the use of basic skills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§5703. Industry-Based Certification and Academic Content Standards

A. Scope. The American Welding Society (AWS) guide establishes a minimum skill standard defining training and qualification requirements that are necessary for participating organizations to develop and administer an Entry-Level Welder Program in accordance with AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*. This guide is intended to specify a credible path for secondary, postsecondary, or employer-based training facilities to build new programs and/or enhance existing programs to administer Entry-Level Welder training and qualification. Use of this guide is voluntary. Participating organizations desiring to certify a trainee as an AWS Certified Entry-Level Welder shall consider the training and qualification guidelines within this Subpart 7 as mandatory requirements under the requirements of AWS QC10.

B. Objectives

1. Provide training facilities with an industrial awareness of the occupational description, conditions, task listing, and profile that encompasses the job classification of entry-level welders.

2. Establish a broad competency-based curriculum detailing the minimum acceptable skill requirements for the training and qualification of entry-level welders.

3. Provide training facilities participating in the certification of entry-level welders with a list of learning objectives and learning activities necessary to accomplish entry-level welder training.

4. Provide training facilities participating in the certification of entry-level welders with the references

needed to compare existing or new curriculum with the AWS documents specified in this guide.

5. Provide training facilities participating in the certification of entry-level welders information related to the administration of an entry-level welder closed book examination, workmanship qualification, and performance qualification testing.

C. Requirements

1. Unless the secondary, postsecondary, or employer-based training facility elects to become a participating organization under the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*, use of this Part 7 is voluntary.

2. Participating organizations shall meet the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

3. Participating organizations shall ensure that existing or new training materials are in compliance with the AWS documents specified in the *Curriculum Guidelines* section of this guide.

4. Participating organizations shall administer a safety examination prior to trainee performance of tasks in the work area or laboratory, in accordance with the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

5. Participating organizations shall administer workmanship qualification testing at the end of training for each applicable welding or cutting process in accordance with the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

6. Participating organizations shall provide a means for trainees to take a closed book written examination based on the applicable subject matter.

7. Trainees desiring AWS Entry-Level Welder Certification shall pass workmanship qualification tests in accordance with the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

8. Trainees desiring AWS Entry-Level Welder Certification shall pass a closed book written examination based on the applicable subject matter.

9. Trainees desiring AWS Entry-Level Welder Certification shall pass performance qualification tests in accordance with the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

10. Participating organizations shall keep training records reflecting the results of entry-level welder training, workmanship qualification, closed book examination, and performance qualification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

Chapter 59. Course Standards
§5901. Entry Level Welder Training

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. OCCUPATIONAL ORIENTATION</p> <p>(1) Follow safe practices.</p> <p>(2) Prepare time or job cards, reports or records.</p> <p>(3) Perform housekeeping duties.</p> <p>(4) Follow verbal instructions to complete work assignments.</p> <p>(5) Follow written details to complete assignments.</p> <p>B. DRAWING AND WELDING SYMBOL INTERPRETATIONS</p> <p>(1) Interpret basic elements of a drawing or sketch.</p> <p>(2) Interpret welding symbol information.</p> <p>(3) Fabricate parts from a drawing or sketch.</p>	<p>1, 3, 5</p> <p>1, 2, 3</p> <p>1, 3, 5</p> <p>1, 2</p> <p>1, 2</p> <p>1, 2</p> <p>1, 2</p> <p>1, 2</p> <p>1, 2, 3</p>	<p>English Language Arts</p> <p>ELA 1 – H1, H3, H4, H5</p> <p>ELA 2 – H1, H2, H3, H4, H5, H6</p> <p>ELA 3 – H1, H2, H3</p> <p>ELA 4 – H1, H2, H3, H4, H5, H6</p> <p>ELA 5 – H1, H2, H3, H4, H5, H6</p> <p>ELA 7 – H1,H2</p> <p>Mathematics</p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>D – 7H, 9H</p> <p>A – 1H, 2H, 3H, 4H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 2H, 3H, 4H, 5H, 6H</p> <p>Social Studies</p> <p>G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5</p> <p>E – 1A-H1, 1A-H2, H1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6</p> <p>H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p> <p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5</p> <p>PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4</p> <p>ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7</p> <p>SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

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§5903. Arc Welding Principles and Practices

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
A. SHIELDED METAL ARC WELDING (SMAW)		English Language Arts
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3
(2) Make minor external repairs to equipment and accessories.	2, 3	ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
(3) Set up for shielded metal arc welding operations on plain carbon steel.	3, 4	Mathematics
(4) Operate shielded metal arc welding equipment.	2, 3, 4	N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	G – 1H, 2H, 3H, 4H, 5H 6H
(7) Perform 2G-3G limited thickness qualification tests on plain carbon steel plate.	2, 3, 4	Social Studies
B. GAS METAL ARC WELDING (GMAW, GMAW-S)		G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
(2) Make minor external repairs to equipment and accessories.	2, 3	H – 1A-H1, 1A-H2, 1A-H5., 1A-H6
(3) Set up for gas metal arc welding operations on plain carbon steel.	3, 4	Science
(4) Operate gas metal arc welding equipment.	2, 3, 4	SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5
Short circuit transfer		PS-H - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6
Spray transfer		
(7) Make 1F-2F welds on plain carbon steel.	2, 3, 4	
(8) Make 1G welds on plain carbon steel.	2, 3, 4	
C. FLUX CORED ARC WELDING (FCAW-G)		
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	
(2) Make minor external repairs to equipment and accessories.	2, 3	
(3) Set up for flux cored arc welding operations on plain carbon steel.	3, 4	
(4) Operate flux cored arc welding equipment.	2, 3, 4	
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	
D. GAS TUNGSTEN ARC WELDING (GTAW)		
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	
(2) Make minor external repairs to equipment and accessories.	2, 3	
(3) Set up gas tungsten arc welding operations on plain carbon steel, aluminum, and stainless steel.	3, 4	
(4) Operate gas tungsten arc welding equipment.	2, 3, 4	
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	
(7) Make 1F-2F welds on aluminum.	2, 3, 4	
(8) Make 1G welds on aluminum.	2, 3, 4	
(9) Make 1F-3F welds on stainless steel.	2, 3, 4	
(10) Make 1G-2G welds on stainless steel.	2, 3, 4	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§5905. Oxyfuel Gas Cutting Principles and Practices

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. MANUAL OXYFUEL GAS CUTTING (OFC) (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual oxyfuel gas cutting operations on plain carbon steel. (4) Operate manual oxyfuel cutting equipment. (5) Perform straight cutting operations on plain carbon steel. (6) Perform shape cutting operations on plain carbon steel. (7) Perform bevel cutting operations on plain carbon steel. (8) Remove weld metal from plain carbon steel using weld washing techniques.</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4 2, 3, 4 2, 3, 4</p>	<p>English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2 Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H 6H Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5., 1A-H6 Science</p>
<p>B. MACHINE OXYFUEL GAS CUTTING (OFC)-[Track Burner] (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual oxyfuel gas cutting operations on plain carbon steel. (4) Operate manual oxyfuel gas cutting equipment. (5) Perform straight cutting operations on plain carbon steel. (6) Perform shape cutting operations on plain carbon steel.</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4</p>	<p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H - - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§5907. Arc Cutting Principles and Practices

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. AIR CARBON ARC CUTTING (CAC-A) (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual air carbon arc gouging and cutting operations on plain carbon steel. (4) Operate manual air carbon arc cutting equipment. (5) Perform metal removal operations on plain carbon steel.</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4</p>	<p>English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2 Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H 6H Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5., 1A-H6 Science</p>
<p>B. PLASMA ARC CUTTING (PAC) (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual plasma arc cutting operations on plain carbon steel, aluminum, and stainless steel. (4) Operate manual plasma arc cutting equipment. (5) Perform shape cutting operations on plain carbon steel, aluminum, and stainless steel.</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4</p>	<p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H - - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

§5909. Welding Inspection and Testing Principles

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. VISUAL EXAMINATION PRINCIPLES AND PRACTICES</p> <p>(1) Examine cut surfaces and edges of prepared base metal parts.</p> <p>(2) Examine tack, intermediate layers, and completed welds.</p>	<p>2, 3, 4</p> <p>2, 3, 4</p>	<p>English Language Arts</p> <p>ELA 1 – H1, H3, H4, H5</p> <p>ELA 2 – H1, H2, H3, H4, H5, H6</p> <p>ELA 3 – H1, H2, H3</p> <p>ELA 4 – H1, H2, H3, H4, H5, H6</p> <p>ELA 5 – H1, H2, H3, H4, H5, H6</p> <p>ELA 7 – H1, H2</p> <p>Mathematics</p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>D – 7H, 9H</p> <p>A – 1H, 2H, 3H, 4H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 2H, 3H, 4H, 5H 6H</p> <p>Social Studies</p> <p>G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5</p> <p>E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6</p> <p>H – 1A-H1, 1A-H2, 1A-H5., 1A-H6</p> <p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5</p> <p>PS-H- - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4</p> <p>ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7</p> <p>SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:

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. Please respond to the following:

- I. Will the proposed Rule effect the stability of the family? No.
2. Will the proposed Rule effect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule effect the functioning of the family? No.
4. Will the proposed Rule effect 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? Lacks sufficient information to determine.

Interested persons may submit written comments until 4:30 p.m., September 8, 2004, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 114 Trade and Industrial Education Content Standards Curriculum Framework Automotive, Carpentry, and Welding

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated that the proposed content standards and framework for automotive, carpentry and welding courses will involve printing costs of \$1,225 which will be funded with Federal Carl D. Perkins funds.

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 are no expected costs associated with these standards. Economic benefits to persons directly affected or non-governmental groups cannot be determined. Individuals trained to higher standards may compete more effectively for available jobs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed content standards offer rigorous and challenging standards that require students to apply their knowledge to real-life work situations. These increased

capabilities should result in individuals becoming more competitive for trade and industrial opportunities.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0408#033

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators Career and Technical Course Offerings (LAC 28:I.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 revisions 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). The proposed changes of the Career and Technical course offerings will revise current course offerings, bringing them in-line with current industry 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

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 by the Board of Elementary and Secondary Education in LR 28:269-271 (February 2002); LR 28:272-273 (February 2002); LR 28:991-993 (May 2002); LR 28:1187 (June 2002), LR 30:

Agriculture Education

2.105.25 Agriculture Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Units
Agriscience	7-8	-
Agribusiness	11-12	½
Agricultural Education Elective (½ Credit)	9-12	½
Agricultural Education Elective (1 Credit)	9-12	1
Agricultural Education Elective I (2 Credits)	9-12	2
Agricultural Education Elective I (3 Credits)	9-12	3
Agricultural Education Elective II (2 Credits)	9-12	2
Agricultural Education Elective II (3 Credits)	9-12	3
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	½
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	½
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	½
Agriscience-Welding Systems I	11-12	½
Agriscience-Welding Systems II	12	½
Animal Systems	11-12	½
Aquaculture	11-12	½
Biotechnology	11-12	1
Care and Management of Small Animals I	11-12	½
Care and Management of Small Animals II	12	½
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	½
Environmental Applications	11-12	½
Equine Science	11-12	½
Food and Fiber	11-12	½
Forestry	11-12	½
Horticulture I	11-12	½
Horticulture II	12	½
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	½
Industry Based Certifications		
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
ABC Welding in Agriscience (3 Credits)	11-12	3

Business Education

2.105.26 Business Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
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 (½ Credit)	9-12	½
Business Education Elective I	9-12	1

(1 Credit)		
Business Education Elective I (2 Credits)	9-12	2
Business Education Elective I (3 Credits)	9-12	3
Business Education Elective II (½ Credit)	9-12	½
Business Education Elective II (1 Credit)	9-12	1
Business Education Elective II (2 Credits)	9-12	2
Business Education Elective II (3 Credits)	9-12	3
Business English	12	1
Business Internship I	11-12	2
Business Internship II	12	2
Business Law	11-12	½
Computer Multimedia Presentations	11-12	½
Computer Technology Literacy	9-12	1
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	9-12	1
Applications		
Keyboarding	9-12	½
Keyboarding Applications	9-12	½
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	½
Web Design	10-12	½
Word Processing	11-12	1

General Career and Technical Education

2.105.27 General Career and Technical Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Career and Technical Education		
Internship I	11-12	2
Career and Technical Education		
Internship II	12	2
General Cooperative		
Education I	11-12	3
General Cooperative		
Education II	12	3
Education for Careers	9-12	½
Education for Careers	9-12	1
Teacher Cadet I	11-12	1
Teacher Cadet II	12	1
Oracle Internet Academy		
Data Modeling & Relational		
Database Design	11-12	½
Introduction to SQL	11-12	½
Introduction to Java	11-12	½
Java Programming	11-12	½
Finance Academy		
Economics and the World of Finance	11-12	½
Banking and Credit	11-12	½

Financial Planning	11-12	½
Securities	11-12	½
Insurance	11-12	½
International Finance	11-12	½
Introduction to Financial		
Services (½ Credit)	11-12	½
Introduction to Financial		
Services (1 Credit)	11-12	1
Travel and Tourism Academy		
Introduction to Travel and Tourism	11-12	½
Travel and Tourism II	11-12	½
Travel Destinations I	11-12	½
Travel Destinations II	11-12	½
Systems Applications	11-12	½
Economics for Travel and Tourism	11-12	½
Information Technology Academy		
Introduction to Information Technology	11-12	½
Digital Networks	11-12	½
Advanced Web Tools	11-12	½
Databases	11-12	½

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	½
Allied Health Services I (1 Credit)	10-12	1
Allied Health Services I (2 Credits)	10-12	2
Allied Health Services II (1 Credit)	11-12	1
Allied Health Services II (2 Credits)	11-12	2
Cooperative Health Occupations	11-12	3
Dental Assistant I (1 Credit)	10-12	1
Dental Assistant I (2 Credits)	10-12	2
Dental Assistant I (3 Credits)	10-12	3
Dental Assistant II (1 Credit)	11-12	1
Dental Assistant II (2 Credits)	11-12	2
Dental Assistant II (3 Credits)	11-12	3
Emergency Medical Technician—Basic	10-12	2
First Responder (½ Credit)	9-12	½
First Responder (1 Credit)	9-12	1
First Responder (2 Credits)	9-12	2
Health Occupations Elective I (½ Credit)	9-12	½
Health Occupations Elective I (1 Credit)	9-12	1
Health Occupations Elective I (2 Credits)	9-12	2
Health Occupations Elective I (3 Credits)	9-12	3
Health Occupations Elective II (½ Credit)	9-12	½
Health Occupations Elective II (1 Credit)	9-12	1
Health Occupations Elective II (2 Credits)	9-12	2
Health Occupations Elective II (3 Credits)	9-12	3
Health Occupations Internship I	11-12	2
Health Occupations Internship II	12	2
Health Science I (1 Credit)	11-12	1
Health Science I (2 Credits)	11-12	2
Health Science II (1 Credit)	12	1
Health Science II (2 Credits)	12	2
Introduction to Emergency Medical Technology	10-12	2
Introduction to Health Occupations	9-12	1

Introduction to Pharmacy Assistant (1 Credit)	10-12	1
Introduction to Pharmacy Assistant (2 Credits)	10-12	2
Medical Assistant I (1 Credit)	10-12	1
Medical Assistant I (2 Credits)	10-12	2
Medical Assistant II (1 Credit)	11-12	1
Medical Assistant II (2 Credits)	11-12	2
Medical Assistant III (1 Credit)	12	1
Medical Assistant III (2 Credits)	12	2
Medical Terminology	9-12	1
Nursing Assistant I (1 Credit)	10-12	1
Nursing Assistant I (2 Credits)	10-12	2
Nursing Assistant I (3 Credits)	10-12	3
Nursing Assistant II (1 Credit)	11-12	1
Nursing Assistant II (2 Credits)	11-12	2
Nursing Assistant II (3 Credits)	11-12	3

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	½
Child Development	10-12	½
Clothing and Textiles	10-12	½
Personal and Family Finance	10-12	½
Family Life Education	10-12	½
Housing and Interior Design	10-12	½
Nutrition and Food	10-12	½
Parenthood Education	10-12	½
Advanced Child Development	10-12	½
Advanced Clothing and Textiles	10-12	½
Advanced Nutrition and Food	10-12	½
Family and Consumer Sciences Elective I (½ Credit)	9-12	½
Family and Consumer Sciences Elective I (1 Credit)	9-12	1
Family and Consumer Sciences Elective I (2 Credits)	9-12	2
Family and Consumer Sciences Elective I (3 Credits)	9-12	3
Family and Consumer Sciences Elective II (½ Credit)	9-12	½
Family and Consumer Sciences Elective II (1 Credit)	9-12	1
Family and Consumer Sciences Elective II (2 Credits)	9-12	2
Family and Consumer Sciences Elective II (3 Credits)	9-12	3

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 (1 Credit)	11-12	1
Clothing and Textile Occupations I (2 Credits)	11-12	2
Clothing and Textile Occupations I (3 Credits)	11-12	3
Clothing and Textile Occupations II (1 Credit)	11-12	1

Clothing and Textile Occupations II (2 Credits)	11-12	2
Clothing and Textile Occupations II (3 Credits)	11-12	3
Early Childhood Education I (1 Credit)	11-12	1
Early Childhood Education I (2 Credits)	11-12	2
Early Childhood Education I (3 Credits)	11-12	3
Early Childhood Education II (1 Credit)	11-12	1
Early Childhood Education II (2 Credits)	11-12	2
Early Childhood Education II (3 Credits)	11-12	3
Family and Consumer Sciences Internship I	11-12	2
Family and Consumer Sciences Internship II	12	2
Food Services I (1 Credit)	10-12	1
Food Services I (2 Credits)	10-12	2
Food Services I (3 Credits)	10-12	3
Food Services II (1 Credit)	10-12	1
Food Services II (2 Credits)	10-12	2
Food Services II (3 Credits)	10-12	3
Food Service Technician	11-12	1
Housing and Interior Design		
Occupations (1 Credit)	11-12	1
Housing and Interior Design		
Occupations (2 Credits)	11-12	2
Housing and Interior Design		
Occupations (3 Credits)	11-12	3
ProStart I (1 Credit)	11-12	1
ProStart I (2 Credits)	11-12	2
ProStart I (3 Credits)	11-12	3
ProStart II (1 Credit)	11-12	1
ProStart II (2 Credits)	11-12	2
ProStart II (3 Credits)	11-12	3
Cooperative Family and Consumer Sciences Education	3	

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 I (2 Credits)	9-12	2
Technology Education Elective I (3 Credits)	9-12	3
Technology Education Elective II (½ Credit)	9-12	½
Technology Education Elective II (1 Credit)	9-12	1
Technology Education Elective II (2 Credits)	9-12	2
Technology Education Elective II (3 Credits)	9-12	3
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	2
ABC Carpentry I TE (3 Credits)	11-12	3
ABC Carpentry II TE (1 Credit)	11-12	1
ABC Carpentry II TE (2 Credits)	11-12	2
ABC Carpentry II TE (3 Credits)	11-12	3
ABC Electrical I TE (1 Credit)	11-12	1
ABC Electrical I TE (2 Credits)	11-12	2
ABC Electrical I TE (3 Credits)	11-12	3
ABC Electrical II TE (1 Credit)	11-12	1
ABC Electrical II TE (2 Credits)	11-12	2
ABC Electrical II TE (3 Credits)	11-12	3
ABC Instrumentation Control Mechanic I (1 Credit)	11-12	1
ABC Instrumentation Control Mechanic I (2 Credits)	11-12	2
ABC Instrumentation Control Mechanic I (3 Credits)	11-12	3
ABC Instrumentation Control Mechanic II (1 Credit)	11-12	1
ABC Instrumentation Control Mechanic II (2 Credits)	11-12	2
ABC Instrumentation Control Mechanic II (3 Credits)	11-12	3
ABC Pipe Fitter I TE (1 Credit)	11-12	1
ABC Pipe Fitter I TE (2 Credits)	11-12	2
ABC Pipe Fitter I TE (3 Credits)	11-12	3
ABC Pipe Fitter II TE (1 Credit)	11-12	1
ABC Pipe Fitter II TE (2 Credits)	11-12	2
ABC Pipe Fitter II TE (3 Credits)	11-12	3
ABC Welding Technology I TE (1 Credit)	11-12	1
ABC Welding Technology I TE (2 Credits)	11-12	2
ABC Welding Technology I TE (3 Credits)	11-12	3
ABC Welding Technology II TE (1 Credit)	11-12	1
ABC Welding Technology II TE (2 Credits)	11-12	2
ABC Welding Technology II TE (3 Credits)	11-12	3

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 (½ Credit)	9-12	½
Marketing Education Elective I (1 Credit)	9-12	1
Marketing Education Elective I (2 Credits)	9-12	2
Marketing Education Elective I (3 Credits)	9-12	3
Marketing Education Elective II (½ Credit)	9-12	½
Marketing Education Elective II (1 Credit)	9-12	1
Marketing Education Elective II (2 Credits)	9-12	2
Marketing Education Elective II (3 Credits)	9-12	3
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

Trade and Industrial Education

2.105.33 Trade and Industrial Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Air Conditioning/ Refrigeration I (1 Credit)	11-12	1
Air Conditioning/ Refrigeration I (2 Credits)	11-12	2
Air Conditioning/ Refrigeration I (3 Credits)	11-12	3
Air Conditioning/ Refrigeration II (1 Credit)	11-12	1
Air Conditioning/ Refrigeration II (2 Credits)	11-12	2
Air Conditioning/ Refrigeration II (3 Credits)	11-12	3
Auto Body Repair I (1 Credit)	11-12	1
Auto Body Repair I (2 Credits)	11-12	2
Auto Body Repair I (3 Credits)	11-12	3
Auto Body Repair II (1 Credit)	11-12	1
Auto Body Repair II (2 Credits)	11-12	2
Auto Body Repair II (3 Credits)	11-12	3
Automotive Technician I (1 Credit)	11-12	1
Automotive Technician I (2 Credits)	11-12	2
Automotive Technician I (3 Credits)	11-12	3
Automotive Technician II (1 Credit)	11-12	1
Automotive Technician II (2 Credits)	11-12	2
Automotive Technician II (3 Credits)	11-12	3
Masonry I (1 Credit)	11-12	1
Masonry I (2 Credits)	11-12	2

Masonry I (3 Credits)	11-12	3
Masonry II (1 Credit)	11-12	1
Masonry II (2 Credits)	11-12	2
Masonry II (3 Credits)	11-12	3
Cabinetmaking I (1 Credit)	11-12	1
Cabinetmaking I (2 Credits)	11-12	2
Cabinetmaking I (3 Credits)	11-12	3
Cabinetmaking II (1 Credit)	11-12	1
Cabinetmaking II (2 Credits)	11-12	2
Cabinetmaking II (3 Credits)	11-12	3
Carpentry I (1 Credit)	11-12	1
Carpentry I (2 Credits)	11-12	2
Carpentry I (3 Credits)	11-12	3
Carpentry II (1 Credit)	11-12	1
Carpentry II (2 Credits)	11-12	2
Carpentry II (3 Credits)	11-12	3
Culinary Occupations I (1 Credit)	11-12	1
Culinary Occupations I (2 Credits)	11-12	2
Culinary Occupations I (3 Credits)	11-12	3
Culinary Occupations II (1 Credit)	11-12	1
Culinary Occupations II (2 Credits)	11-12	2
Culinary Occupations II (3 Credits)	11-12	3
Custom Sewing I (1 Credit)	11-12	1
Custom Sewing I (2 Credits)	11-12	2
Custom Sewing I (3 Credits)	11-12	3
Custom Sewing II (1 Credit)	11-12	1
Custom Sewing II (2 Credits)	11-12	2
Custom Sewing II (3 Credits)	11-12	3
Computer Electronics I (1 Credit)	11-12	1
Computer Electronics I (2 Credits)	11-12	2
Computer Electronics I (3 Credits)	11-12	3
Computer Electronics II (1 Credit)	11-12	1
Computer Electronics II (2 Credits)	11-12	2
Computer Electronics II (3 Credits)	11-12	3
Commercial Art I (1 Credit)	11-12	1
Commercial Art I (2 Credits)	11-12	2
Commercial Art I (3 Credits)	11-12	3
Commercial Art II (1 Credit)	11-12	1
Commercial Art II (2 Credits)	11-12	2
Commercial Art II (3 Credits)	11-12	3
T & I Cooperative Education (TICE) I (1 Credit)	11-12	1
T & I Cooperative Education (TICE) I (2 Credits)	11-12	2
T & I Cooperative Education (TICE) I (3 Credits)	11-12	3
T & I Cooperative Education (TICE) II (1 Credit)	11-12	1
T & I Cooperative Education (TICE) II (2 Credits)	11-12	2
T & I Cooperative Education (TICE) II (3 Credits)	11-12	3
Cosmetology I (1 Credit)	11-12	1
Cosmetology I (2 Credits)	11-12	2
Cosmetology I (3 Credits)	11-12	3
Cosmetology II (1 Credit)	11-12	1
Cosmetology II (2 Credits)	11-12	2
Cosmetology II (3 Credits)	11-12	3
Cosmetology III (2 Credits)	11-12	2
Cosmetology III (3 Credits)	11-12	3
Cosmetology IV (2 Credits)	11-12	2
Cosmetology IV (3 Credits)	11-12	3
Diesel Mechanics I (1 Credit)	11-12	1
Diesel Mechanics I (2 Credits)	11-12	2
Diesel Mechanics I (3 Credits)	11-12	3
Diesel Mechanics II (1 Credit)	11-12	1
Diesel Mechanics II (2 Credits)	11-12	2
Diesel Mechanics II (3 Credits)	11-12	3
Drafting and Design Technology I (1 Credit)	11-12	1
Drafting and Design Technology I (2 Credits)	11-12	2

Drafting and Design Technology I (3 Credits)	11-12	3
Drafting and Design Technology II (1 Credit)	11-12	1
Drafting and Design Technology II (2 Credits)	11-12	2
Drafting and Design Technology II (3 Credits)	11-12	3
Basic Electricity I (1 Credit)	11-12	1
Basic Electricity I (2 Credits)	11-12	2
Basic Electricity I (3 Credits)	11-12	3
Basic Electricity II (1 Credit)	11-12	1
Basic Electricity II (2 Credits)	11-12	2
Basic Electricity II (3 Credits)	11-12	3
Electronics I (1 Credit)	11-12	1
Electronics I (2 Credits)	11-12	2
Electronics I (3 Credits)	11-12	3
Electronics II (1 Credit)	11-12	1
Electronics II (2 Credits)	11-12	2
Electronics II (3 Credits)	11-12	3
Industrial Electronics I (1 Credit)	11-12	1
Industrial Electronics I (2 Credits)	11-12	2
Industrial Electronics I (3 Credits)	11-12	3
Industrial Electronics II (1 Credit)	11-12	1
Industrial Electronics II (2 Credits)	11-12	2
Industrial Electronics II (3 Credits)	11-12	3
Electrician I (1 Credit)	11-12	1
Electrician I (2 Credits)	11-12	2
Electrician I (3 Credits)	11-12	3
Electrician II (1 Credit)	11-12	1
Electrician II (2 Credits)	11-12	2
Electrician II (3 Credits)	11-12	3
Graphic Arts I (1 Credit)	11-12	1
Graphic Arts I (2 Credits)	11-12	2
Graphic Arts I (3 Credits)	11-12	3
Graphic Arts II (1 Credit)	11-12	1
Graphic Arts II (2 Credits)	11-12	2
Graphic Arts II (3 Credits)	11-12	3
Horticulture I (1 Credit)	11-12	1
Horticulture I (2 Credits)	11-12	2
Horticulture I (3 Credits)	11-12	3
Horticulture II (1 Credit)	11-12	1
Horticulture II (2 Credits)	11-12	2
Horticulture II (3 Credits)	11-12	3
Industrial Engines I (1 Credit)	11-12	1
Industrial Engines I (2 Credits)	11-12	2
Industrial Engines I (3 Credits)	11-12	3
Industrial Engines II (1 Credit)	11-12	1
Industrial Engines II (2 Credits)	11-12	2
Industrial Engines II (3 Credits)	11-12	3
Laboratory Technology I (1 Credit)	11-12	1
Laboratory Technology I (2 Credits)	11-12	2
Laboratory Technology I (3 Credits)	11-12	3
Laboratory Technology II (1 Credit)	11-12	1
Laboratory Technology II (2 Credits)	11-12	2
Laboratory Technology II (3 Credits)	11-12	3
Industrial Machine Shop I (1 Credit)	11-12	1
Industrial Machine Shop I (2 Credits)	11-12	2
Industrial Machine Shop I (3 Credits)	11-12	3
Industrial Machine Shop II (1 Credit)	11-12	1
Industrial Machine Shop II (2 Credits)	11-12	2
Industrial Machine Shop II (3 Credits)	11-12	3

Marine Operations I (1 Credit)	11-12	1
Marine Operations I (2 Credits)	11-12	2
Marine Operations I (3 Credits)	11-12	3
Marine Operations II (1 Credit)	11-12	1
Marine Operations II (2 Credits)	11-12	2
Marine Operations II (3 Credits)	11-12	3
Photography (1 Credit)	11-12	1
Photography (2 Credits)	11-12	2
Photography (3 Credits)	11-12	3
Plumbing I (1 Credit)	11-12	1
Plumbing I (2 Credits)	11-12	2
Plumbing I (3 Credits)	11-12	3
Plumbing II (1 Credit)	11-12	1
Plumbing II (2 Credits)	11-12	2
Plumbing II (3 Credits)	11-12	3
Printing I (1 Credit)	11-12	1
Printing I (2 Credits)	11-12	2
Printing I (3 Credits)	11-12	3
Printing II (1 Credit)	11-12	1
Printing II (2 Credits)	11-12	2
Printing II (3 Credits)	11-12	3
Sheet Metal I (1 Credit)	11-12	1
Sheet Metal I (2 Credits)	11-12	2
Sheet Metal I (3 Credits)	11-12	3
Sheet Metal II (1 Credit)	11-12	1
Sheet Metal II (2 Credits)	11-12	2
Sheet Metal II (3 Credits)	11-12	3
Outdoor Power Equipment	11-12	1
Technician I (1 Credit)		
Outdoor Power Equipment	11-12	2
Technician I (2 Credits)		
Outdoor Power Equipment	11-12	3
Technician I (3 Credits)		
Outdoor Power Equipment	11-12	1
Technician II (1 Credit)		
Outdoor Power Equipment	11-12	2
Technician II (2 Credits)		
Outdoor Power Equipment	11-12	3
Technician II (3 Credits)		
Television Production I (1 Credit)	11-12	1
Television Production I (2 Credits)	11-12	2
Television Production I (3 Credits)	11-12	3
Television Production II (1 Credit)	11-12	1
Television Production II (2 Credits)	11-12	2
Television Production II (3 Credits)	11-12	3
Upholstery I (1 Credit)	11-12	1
Upholstery I (2 Credits)	11-12	2
Upholstery I (3 Credits)	11-12	3
Upholstery II (1 Credit)	11-12	1
Upholstery II (2 Credits)	11-12	2
Upholstery II (3 Credits)	11-12	3
Welding I (1 Credit)	11-12	1
Welding I (2 Credits)	11-12	2
Welding I (3 Credits)	11-12	3
Welding II (1 Credit)	11-12	1
Welding II (2 Credits)	11-12	2
Welding II (3 Credits)	11-12	3

* * *

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. Please respond to the following:

1. Will the proposed Rule effect the stability of the family? No.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for Nonpublic School Administrators High School Graduation and Mathematics (LAC 28:LXXIX.2509 and 2725)

- 2. Will the proposed Rule effect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule effect the functioning of the family? No.
4. Will the proposed Rule effect family earnings and family budget? No.
5. Will the proposed Rule effect 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? Yes.

Interested persons may submit written comments until 4:30 p.m., October 9, 2004, to Nina A. Ford, Board of Elementary and Secondary Education, 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 Career and Technical Course Offerings

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0408#061

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 revisions to Nonpublic Bulletin 741 Louisiana Handbook for Nonpublic School Administrators. This policy change revises the mathematics program of studies. It requires all students to take either Algebra I, Algebra I-Pt.1 and Algebra I-Pt.2, or Integrated Math I. The remaining unit(s) shall come from the following: Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

Title 28
EDUCATION

Part LXXIX. Louisiana Handbook for Nonpublic School Administrators

Chapter 25. Curriculum and Instruction
Subchapter C. Secondary Schools

§2509. High School Graduation Requirements

- A. - C.1. ...
2. Mathematics 3 units
a. Effective for incoming freshmen 2005-2006 and beyond, all students must:
i. complete one of the following:
(a). Algebra I (1 unit); or
(b). Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units);
or
(c). Integrated Mathematics I (1 unit);
ii. the remaining unit(s) shall come from the following:
(a). Integrated Mathematics II;
(b). Integrated Mathematics III;
(c). Geometry;
(d). Algebra II;
(e). Financial Mathematics;

- (f). Advanced Mathematics I;
- (g). Advanced Mathematics II;
- (h). Pre-Calculus;
- (i). Calculus;
- (j). Probability and Statistics;
- (k). Discrete Mathematics.

b. For incoming freshmen between 1998 and 2004-2005, the three required mathematics units shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra 1-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics 1 (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

C.3. - C.7. ...

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 29:2351 (November 2003), amended LR 30:

Chapter 27. High School Program of Studies

§2725. Mathematics

A. Three units of mathematics are required for graduation. Effective for incoming freshmen 2005-2006 and beyond, all students must:

1. complete one of the following:
 - a. Algebra I (1 unit); or
 - b. Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units); or
 - c. Integrated Mathematics I (1 unit).
2. The remaining unit(s) shall come from the following:
 - a. Integrated Mathematics II;
 - b. Integrated Mathematics III;
 - c. Geometry;
 - d. Algebra II;
 - e. Financial Mathematics;
 - f. Advanced Mathematics I;
 - g. Advanced Mathematics II;
 - h. Pre-Calculus;
 - i. Calculus;
 - j. Probability and Statistics;
 - k. Discrete Mathematics.

B. For incoming freshmen between 1998 and 2004-2005, the three required mathematics units shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra 1-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics 1 (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

Course Title	Unit(s)
Advanced Mathematics I	1
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra I-Part II	1
Algebra II	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistics	1

C. Financial Mathematics may be taught by the Business Education Department.

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 29:2354 (November 2003), amended LR 30:

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? Yes.

Interested persons may submit written comments until 4:30 p.m., October 9, 2004, to Nina A. Ford, Board of Elementary and Secondary Education, 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
Nonpublic School Administrators High School
Graduation and Mathematics**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will not be any implementation costs. This policy change revises the mathematics program of studies required for graduation.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no effects on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
0408#064

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators
Public School Approval Classifications (LAC 28:I.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 revisions to *Bulletin 741 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). The State Board of Elementary and Secondary Education (SBESE) at its meeting in June 2004 approved a revision to *Bulletin 741 Louisiana Handbook for School Administrators*. This policy change will require schools to comply with the school improvement requirements outlined in Bulletin 111 in order to maintain school approval. The current policy regarding school approval is not connected with compliance with school improvement requirements; however, the revision will connect them.

**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

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 30:

* * *

Public School Approval Classifications

2.006.02

Approved Provisionally

School has some deficiencies in standards other than those stated in the probational category and is being advised and requested to make corrections. Improvement is expected prior to the next school year.

or

The school and/or the LEA on behalf of the school:

- fail to complete the actions required of schools in School Improvement 1 as defined in Bulletin 111 after being identified for School Improvement 1; or
- fail to respond to the findings of a data audit of School Performance Score indicators conducted by the LDE or a third party contracted by the LDE;

or

The school is in School Improvement 3.

Approved Probationally

School has one or more of the following deviations from standards:

- the principal is not certified;
- at least one member of the professional staff does not hold a valid Louisiana teaching certificate for which he/she is employed;
- the school does not offer a curriculum to meet graduation requirements or a balanced elementary curriculum as prescribed in this bulletin;
- the school has a student who is currently enrolled in a special education program and whose last individual evaluation occurred three or more years ago;
- the school has an identified exceptional student who does not have a current individualized Education Program (IEP);
- the school does not adhere to and implement the various sections of the Revised Statutes of Louisiana as they affect the health and safety of the students and staff. (These include fire prevention and drills, provisions for a healthful environment, and safety regulations for transportation);
- the physical facilities do not conform to the current federal, state, and local building fire, safety, and health codes;
- the school has been on provisional approval for at least two years.

or

The school and/or the LEA on behalf of the school:

- fail to complete the actions required of schools in School Improvement 2 or 3 as defined in Bulletin 111 after being identified for School Improvement 2 or 3; or
- fail to implement the school's/district's proposed plan to correct the findings of a data audit of School Performance Score indicators conducted by the LDE or a third party contracted by the LDE;

or

The school is in School Improvement 4, 5, or 6.

Unapproved

Any school that has not corrected the stated deficiencies within the time fixed by the State Department of Education shall be unapproved.

or

The school and/or the LEA on behalf of the school:

- fail to complete the actions required of schools in School Improvement 4, 5, or 6 as defined in Bulletin 111 after being identified as being in School Improvement 4, 5, or 6; or
- submit a Reconstitution Plan that BESE does not approve as defined in Bulletin 111.

The State Department of Education shall set the guidelines and fix the period of time for the corrections.

* * *

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? Yes.

Interested persons may submit written comments until 4:30 p.m., October 9, 2004, to Nina A. Ford, Board of Elementary and Secondary Education, 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 Public School Approval Classifications

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no implementation costs to state or local governmental units.
This proposed revision to Bulletin 741, the *Louisiana Handbook for School Administrators*, would require schools to comply with the school improvement requirements outlined in Bulletin 111 in order to maintain school approval.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no effects on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition and employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
0408#076

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 Modifications to the Foreign Language Special Certificate PK-8 Policy (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 revision to Bulletin 746 aligns Foreign Language Special Certificate PK-8 policy with highly qualified requirements under the No Child Left Behind Act. The Foreign Language Special Certificate PK-8 is used for teachers of Foreign Language in the Elementary School (FLES) and for teachers of foreign language immersion in grades PK-8. FLES and foreign language immersion teachers come to Louisiana from foreign countries. This policy change assures Louisiana school districts that those holding the Foreign Language Special Certificate PK-8 meet highly qualified requirements of the No Child Left Behind Act.

**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 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

* * *

Foreign Language Special Certificate PK-8

A Foreign Language Special certificate, valid for three years, renewable once for an additional three years with evidence of an offer of employment in a Louisiana school district, may be issued to a foreign associate teacher participating in the Louisiana Department of Education (LDE) Foreign Exchange Visitor Program.

Participants in the LDE Foreign Exchange Visitor Program may teach Foreign Language in the Elementary School (FLES) in grades PK-8 and/or foreign language immersion in grades PK-8. This certificate allows the holder

to receive the same benefits as other regularly certified teachers. To receive a Foreign Language Special Certificate, an applicant must meet the following criteria:

1. Hold a degree in education from a foreign country.
2. Hold a teaching certificate in the foreign country. The foreign teaching certificate must be for the certification area and/or grade level that the individual will teach in Louisiana.
3. Provide evidence of two years of successful teaching experience in his/her native country.
4. Be a native speaker of the language to be taught.

An individual holding a Foreign Language Special certificate may hold that certificate for no more than 6 years. After three years on such a certificate, the individual may apply for a Louisiana Level 1 Professional Teaching certificate. To receive a Level 1 Professional Teaching certificate the individual must meet all certification requirements including required Praxis examinations for the areas and levels of certification.

* * *

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 of 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 written comments until 4:30 p.m., October 9, 2004, 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 Modifications to the Foreign Language Special Certificate PK-8 Policy

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This revision to Bulletin 746 aligns Foreign Language Special Certificate PK-8 policy with highly qualified requirements under the No Child Left Behind Act. The Foreign Language Special Certificate PK-8 is used for teachers of Foreign Language in the Elementary School (FLES) and for teachers of foreign language immersion in grades PK-8. 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 Langley
Deputy Superintendent
Management and Finance
0408#012

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 Requirements for Certification in Academically Gifted (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 revision to the policy for adding the academic gifted certification endorsement to an existing certificate specifies these requirements: (1) a master's degree from an accredited institution, (2) 15 hours of specific graduate-level coursework, plus (3) a 3-hour practicum or an internship or three years of earned experience in teaching academic gifted. This revision in policy changes the requirements for adding the endorsement for academically gifted, representing fewer semester hours required. This change continues the redesign of certification requirements that has been ongoing since the year 2000.

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 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

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Certification Add-On Policy for Special Education Areas	
ACADEMICALLY GIFTED	
Academically Gifted Add-On (Endorsement)	Requirements
For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary school certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate	<ol style="list-style-type: none"> 1. Master's degree from an accredited institution of higher education 2. Fifteen (15) graduate hours of prescribed coursework from the following list either within a Master's degree program or as an add-on to an existing Master's: <ul style="list-style-type: none"> • Characteristics/Study of Gifted Individuals • Methods of Teaching the Gifted • Social and Emotional Needs of the Gifted • Creative Thinking and Problem Solving OR Curriculum Development for the Gifted • Educational Technology 3. Three (3) hours in a practicum for academically gifted or An internship for college credit in academically gifted or Three (3) years of successful teaching in academically gifted. <p>NOTE: Academically gifted certification will be valid only in the teaching area(s) in which one is certified. The secondary teacher of academically gifted students who is to award Carnegie Units in the secondary subject area(s) must be certified in the subject area(s) in which Carnegie Units are awarded. Elementary and secondary teachers who are also certified in academically gifted may offer approved special education elective (enrichment) courses at either the elementary or secondary level.</p>

* * *

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 written comments until 4:30 p.m., October 9, 2004, 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 Requirements for Certification in Academically Gifted**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
This revision to the policy for adding the academic gifted certification endorsement to an existing certificate specifies these requirements: (1) a master's degree from an accredited institution, (2) 15 hours of specific graduate-level coursework, and (3) a three-hour practicum or an internship or three years of earned experience in teaching academic gifted. 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 Langley
Deputy Superintendent
Management and Finance
0408#011

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" Definition
(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 change in current Bulletin 746 policy revises the Louisiana HOUSSE policy for "Highly Qualified" status. It changes the start date for collection of Continuing Learning Units (CLUs) toward meeting "Highly Qualified" status from January 8, 2002, to the beginning of the 2001-2002 school year. This revision in

policy allows an additional semester during which "not new" teachers can count Continuing Learning Units (CLUs) toward attaining highly qualified status under the High Objective Uniform State Standard of Evaluation (HOUSSE) option of Louisiana's Highly Qualified definition. Since teachers were engaged in professional development activities throughout the 2001-2002 school year, the change allows the full 2001-2002 school year rather than beginning midway in the school year as previously written.

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 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

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Highly Qualified Teacher In Louisiana

"Not New" Elementary Teacher	
1	Holds elementary school education certificate, a special education certificate that includes elementary school grades, or a special foreign language certificate to teach a specific foreign language in grades K-8; AND
2	Does not presently have certification or licensure requirements waived on an emergency, temporary, or provisional basis; AND
3	Has passed the Louisiana content-specific elementary education licensing exam; OR
4	Holds a valid National Board for Professional Teaching Standards (NBPTS) certification in early childhood, middle childhood, or in a content area basic to the elementary school (e.g., Early Language Arts, Early Mathematics) and is teaching in the NBPTS area of certification; OR
5	Has at least 12 semester hours of credit in each of the four core disciplines (English/language arts, including reading and writing; math; science; and social studies); OR
QUALIFIES UNDER High Objective Uniform State Standard of Evaluation (HOUSSE) for NOT NEW ELEMENTARY TEACHERS (By School Year 2005-2006)	
A "not new" teacher who does not meet the requirements of the paragraphs number 3, 4, or 5 above is considered highly qualified if he/she is state certified and teaching in the area of certification and if he/she completes ninety (90) Continuing Learning Units (CLUs) by the end of 2005-2006, with the beginning of the 2001-2002 school year as the beginning date for earning CLUs. A "not new" teacher's previous work experience as a fully certified teacher may be credited as CLUs at the rate of three (3) CLUs for each year of successful experience in the content area, with a maximum of 45 CLUs earned through work experience.	
The Local Education Agency (LEA) is responsible for maintaining documentation for educators seeking "highly qualified" status, as defined by the No Child Left Behind Act through the HOUSSE option (90 CLUs), as evidenced by the (1) identification of teachers in their employment using the HOUSSE option, and (b) annual update on each identified teacher's status (progress) toward earning the required 90 CLUs.	
*A <i>Continuing Learning Unit</i> (CLU) is a professional development activity that builds capacity for effective, research-based, content focused teaching and learning that positively impacts student achievement. The <i>Louisiana Professional Development Guidance</i> will be used to define the 90 continuing learning units.	

Highly Qualified Teacher in Louisiana

	"Not New" Middle School Teachers	"Not New" Secondary School Teachers
1	<p>Holds a valid teaching certificate appropriate for grades 6-8 (e.g., Elementary Education 1-8, Upper Elementary Education 5-8, Middle School Education); a special education area that includes middle school grades; a secondary academic content area; or special foreign language certificate to teach a specific foreign language in grades K-8; AND</p>	<p>Holds certificates for every core academic subject the individual teaches; AND</p>
2	<p>Does not presently have certification or licensure requirements waived on an emergency, temporary, or provisional basis; AND</p>	<p>Does not presently have certification or licensure requirements waived on an emergency, temporary, or provisional basis; AND</p>
3	<p>a) Has passed Louisiana subject-specific licensing exam required for a middle school academic content area or for a secondary (grades 7-12) academic content area that is appropriate to the middle school level, <i>for every core academic subject the individual teaches</i>; OR</p> <p>b) Has the equivalent of an academic major in a content area appropriate to the middle school level, <i>for every core academic subject the individual teaches</i>; OR</p> <p>c) Has earned a master's degree in a pure content area (not in education) <i>for every core academic subject the individual teaches</i>; OR</p> <p>d) Holds a valid National Board for Professional Teaching Standards (NBPTS) certification in a core content area and is teaching in the NBPTS area of certification; OR</p>	<p>a) Has passed the Louisiana subject-specific licensing exam required for a secondary (grades 7-12) academic content area, <i>for every core academic subject the individual teaches</i>; OR</p> <p>b) Has the equivalent of an academic major in a secondary content area, <i>for every core academic subject the individual teaches</i>; OR</p> <p>c) Has earned a master's degree in a pure content area (not in education) <i>for every core academic subject the individual teaches</i>; OR</p> <p>d) Holds a valid National Board for Professional Teaching Standards (NBPTS) certification in a core content area and is teaching in the NBPTS area of certification; OR</p>
<p>QUALIFIES UNDER</p> <p>High Objective Uniform State Standard of Evaluation (HOUSSE) for "Not New" Middle School and Secondary Teachers (By School Year 2005-2006)</p> <p>A "not new" teacher who does not meet the requirements of the paragraphs 3(a), 3(b), 3(c), or 3(d) above is considered highly qualified if he/she is state certified and teaching in the area of certification and if he/she completes ninety (90) Continuing Learning Units (CLUs) by the end of 2005-2006, with the beginning of the 2001-2002 school year as the beginning date for earning CLUs. A "not new" teacher's previous work experience as a fully certified teacher may be credited as CLUs at the rate of three (3) CLUs for each year of successful experience in the content area, with a maximum of 45 CLUs earned through work experience.</p> <p>The Local Education Agency (LEA) is responsible for maintaining documentation for educators seeking "highly qualified" status, as defined by the No Child Left Behind Act through the HOUSSE option (90 CLUs), as evidenced by the (1) identification of teachers in their employment using the HOUSSE option, and (b) annual update on each identified teacher's status (progress) toward earning the required 90 CLUs.</p> <p>*A <i>Continuing Learning Unit (CLU)</i> is a professional development activity that builds capacity for effective, research-based, content focused teaching and learning that positively impacts student achievement. The <i>Louisiana Professional Development Guidance</i> will be used to define the 90 continuing learning units.</p>		

* * *

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 written comments until 4:30 p.m., October 9, 2004, 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" Definition**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This change in current Bulletin 746 policy revises the Louisiana HOUSSE policy for "Highly Qualified." It changes the start date for collection of Continuing Learning Units (CLUs) toward meeting "Highly Qualified" status from January 8, 2002, to the beginning of the 2001-2002

school year. 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 Langley
Deputy Superintendent
Management and Finance
0408#010

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 Supervisor of Student Teaching Policy (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 revision expands requirements to become a Supervisor of Student Teaching to include an option for one with National Board certification to act as a supervisor of student teachers. This revision in policy allows an additional option for teachers in the work force to act as supervisors of student teachers. This aids both K-12 education and higher education in the placement of student teachers in that it expands the pool of those qualified to supervise student teachers.

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, LR 1:183 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

Supervisor of Student Teaching

A classroom teacher can serve as a supervisor of student teaching if he/she satisfies any one of the following conditions:

1. A valid Type A or Level 3 Louisiana certificate in the field of supervisory assignment;

-or-

2. A valid Type B or Level 2 Louisiana certificate in the field of supervisory assignment and successful completion of the three-credit-hour course in the supervision of student teachers;

-or-

3. A valid Type B or Level 2 Louisiana certificate in the field of supervisory assignment and successful completion of assessor training through the Louisiana Teacher Assistance and Assessment Program;

-or-

4. A valid Type B or Level 2 Louisiana certificate in the field of supervisory assignment and National Board Certification in the field of supervisory assignment.

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 written comments until 4:30 p.m., October 9, 2004, 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 Supervisor of Student Teaching Policy

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy revision expands requirements to become a Supervisor of Student Teaching to include an option for one with National Board certification to act as a supervisor of student 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, other than to allow National Board Certified Teachers to earn a small stipend for supervising student teachers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

This policy will have no effect on competition and employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
0408#062

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
Special Education Certification Structures (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 revision provides redesigned certification structures for Early Interventionist (EI), Significant Disabilities (SD), Hearing Impaired (HI), and Visual Impairments/Blind (VI/B) certification. New add-on requirements as well as options for both the master's degree and non-master's alternate certification programs are provided for all four special education certification areas. EI also includes an undergraduate structure. This revision to

overall special education certification policy continues the implementation effort as specified by the Blue Ribbon Commission, formed in April 1999 by the Board of Regents and the Board of Elementary and Secondary Education to improve teacher quality in Louisiana. In three reports, the commission recommended policies that would lead to a cohesive PK-16+ system holding universities and school districts accountable for the aggressive recruitment, preparation, support, and retention of quality teachers and educational leaders. Annually, the commission monitors implementation of its recommendations and identifies new recommendations for improving teacher quality.

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, LR 1:183 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:

Certification Add-On Policy for Special Education Areas (to be incorporated into existing regular education Add-on Chart) Approved for Notice of Intent June 2004	
PK-3 Add-On (Endorsement)	Requirements
For individual holding a valid Early Interventionist certificate	<ol style="list-style-type: none"> 1. Achieve passing score for PRAXIS Elementary Education: Content Knowledge (#0014). 2. Twelve (12) credit hours of combined Nursery School and Kindergarten coursework (art, math, science, social studies). 3. Nine (9) semester hours of reading coursework.
Early Interventionist Birth to Five Add-On (Endorsement)	Requirements
For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate	<ol style="list-style-type: none"> 1. Achieve passing score for PRAXIS Early Childhood Education (#0020) and Education of Exceptional Children: Core Content Knowledge (0353). 2. Eighteen (18) credit hours that pertain to infants, toddlers, and preschoolers: <ul style="list-style-type: none"> • Foundations in Early Childhood Education and Early Intervention • Understanding and Working with Families of Young Children • Assessment in Early Intervention • Early Intervention Methods • Teaming, Physical and Medical Management in Early Intervention • Communication and Literacy in Early Intervention. 3. Nine (9) semester hours of reading coursework.
Significant Disabilities 1-12 Add-On (Endorsement)	Requirements
For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate	<ol style="list-style-type: none"> 1. Twenty-one (21) credit hours that pertain to children with significant disabilities: <ul style="list-style-type: none"> ▪ Assessment & evaluation ▪ Curriculum development, modifications, and transition planning ▪ Behavior support ▪ Instructional strategies ▪ Communication ▪ Collaborative techniques and family partnerships ▪ Characteristics of students with significant disabilities, physical support, health and safety 2. Three (3) credit hours of internship of students with significant disabilities OR three (3) years of successful teaching experience of students with significant disabilities 3. Achieve passing score for PRAXIS Education of Exceptional Students: Core Content Knowledge (0353) and Education of Exceptional Students: Severe to Profound Disabilities (0544)

Hearing Impaired K-12 Add-On (Endorsement)	Requirements
<p>For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate</p>	<ol style="list-style-type: none"> Twenty-one (21) credit hours that pertain to children with hearing impairments: <ul style="list-style-type: none"> Introduction to special education Physiological, psychosocial, historical, sociological, and cultural aspects of deafness Language development that includes linguistic principles and assessment strategies in language acquisitions for Deaf and Hard of Hearing Speech and Speech reading Educational Audiology, auditory assistive devices and technology Instructional strategies and curriculum development for deaf and hard of hearing students Communication Methodology Three (3) credit hours of internship with students with hearing impairments OR three (3) years of successful teaching experience of students with hearing impairments Signed, Cued, OR Oral communication proficiency, as evidenced by one or more of the following means: <p>Signed:</p> <ol style="list-style-type: none"> Intermediate on the Educational Sign Skills Evaluation: Teacher (ESSE:T) [See www.seecenter.org]; Advanced on the Sign Communication Proficiency Interview (SCPI); or Level III of the Educational Interpreter Performance Assessment. <p>Cued:</p> <ol style="list-style-type: none"> Mini-Proficient as measured on the Basic Cued Speech Proficiency Rating Test (BCSPR c1983, Beaupre); <p>Oral:</p> <ol style="list-style-type: none"> Successfully passing an additional course in Methods in Oral/Auditory Education. Achieve passing score for PRAXIS Education of Exceptional Students: Core Content Knowledge (0353) and Education of Exceptional Students: Hearing Impairment (0271)
Visual Impairments/Blind K-12 Add-On (Endorsement)	Requirements
<p>For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate</p>	<ol style="list-style-type: none"> Twenty-one (21) credit hours that pertain to children with visual impairments: <ul style="list-style-type: none"> Educational implications of low vision and blindness Orientation and mobility for the classroom teacher Assessment & evaluation techniques, including functional vision evaluation and reading media assessment Assistive technology for students with visual impairments Instructional strategies and materials for students with visual impairments Introduction to Braille, including literary and Nemeth codes Braille II Three (3) credit hours of internship with students who are visually impaired or blind OR three (3) years of successful teaching experience of students who are visually impaired or blind Achieve passing score for PRAXIS Education of Exceptional Students: Core Content Knowledge (0353)

Early Interventionist Undergraduate Degree Program Certification Structure ^{1,2}			
AREAS		Birth to 5 Years BASIC CERTIFICATION (Focus: Greater Depth in Early Childhood, Early Intervention)	
GENERAL EDUCATION COURSEWORK	English	12 Hours	
	Mathematics	12 Hours (including Developmental Math Concepts)	
	Sciences	12 Hours	
	Social Studies	9 Hours	
	Arts	3 Hours	
FOCUS AREA The Young Child	Nursery School And Kindergarten Reading (Content) Birth-5 Years (Early Intervention)--Infants, Toddlers, and Preschoolers: Foundations In Early Childhood Education and Early Intervention; Physical and Medical Management; Motor Speech/Language Development; Sensory and Communication Differences; Understanding and Working With Families	9 Hours 3 Hours 18 Hours	

KNOWLEDGE OF LEARNER AND THE LEARNING ENVIRONMENT <i>(These hours may be integrated into other areas when developing new courses.)</i>	Birth-5 Years (Early Intervention)--Infants, Toddlers, And Preschoolers: Child Development/Psychology; Learning Environments/Diversity/Behavior Analysis; Curriculum; Assessment; Interdisciplinary and Interagency Teaming and Consultation	15 Hours
METHODOLOGY AND TEACHING	Reading (Methodology)	6 Hours
	Teaching Methodology: Early Intervention Methods (Infant, Toddler, Preschool); Understanding and Facilitating Play; Teaching Mathematics	9 Hours
	Student Teaching ³ (Infant, Toddler, and Preschool Areas)	9 Hours
FLEXIBLE HOURS FOR THE UNIVERSITY'S USE⁴		7 Hours
TOTAL HOURS⁵		124 Hours

¹Students who do not possess basic technology skills should be provided coursework or opportunities to develop those skills early in their program.

²Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

³Students 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.

⁴Three of the flexible hours must be in the humanities to meet General Education Requirements for the Board of Regents.

⁵In 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.

Minimum credit hours have been listed. Available flexible hours may be used to add more content hours to the various elements of the program. Institutions may add credit hours to meet additional Board of Regents and/or institutional requirements. *No final grade below a "C" will be accepted by the State Department of Education in any coursework within the undergraduate program, with the exception of general education requirements.*

Master's Degree Alternate Programs for Special Education Areas				
Component	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
Admission to the Program	<ul style="list-style-type: none"> ▪ Baccalaureate degree ▪ Minimum 2.50 GPA ▪ Pass PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics)—Individuals who already possess a graduate degree will be exempted from this requirement. ▪ Pass PRAXIS Elementary Education: Content Knowledge (#0014) 			
PROGRAM REQUIREMENTS¹				
Knowledge of the Learner and the Learning Environment (15 hrs.)	<i>Coursework specific to Infants, Toddlers, and Preschoolers:</i> <ul style="list-style-type: none"> ▪ Child development or psychology ▪ Learning environment and behavior analysis ▪ Motor, sensory, and communication differences ▪ Teaming, physical, & medical management ▪ Understanding and working with families ▪ Communication and literacy in early intervention 	<i>Coursework specific to needs of children with significant disabilities:</i> <ul style="list-style-type: none"> ▪ Assessment and evaluation, including IEP and ESYP ▪ Communication strategies ▪ Behavior support ▪ Collaborative techniques and family partnerships ▪ Physical support, health and safety ▪ Special education law ▪ Characteristics of individuals with significant disabilities 	<i>Coursework specific to needs of general education students:</i> <ul style="list-style-type: none"> ▪ Assessment and evaluation ▪ Special needs of students with disabilities ▪ Transition ▪ Instructional strategies and planning in the content areas ▪ Instructional strategies in literacy ▪ Education law, special education law, school structure ▪ Technology in schools ▪ Diversity in schools 	<i>Coursework specific to needs of visually impaired students:</i> <ul style="list-style-type: none"> ▪ Educational implications of low vision and blindness ▪ Orientation and mobility for the classroom teacher ▪ Assessment /evaluation techniques, including functional vision evaluation and reading media assessment ▪ Assistive technology for the visually impaired ▪ Education law, special education law, school structure ▪ Transition

Methodology and Teaching (12-15 hrs.) Content-specific methods courses and field/clinical experiences	<i>Methodology and Teaching coursework specific to needs of Infants, Toddlers, and Preschoolers:</i> <ul style="list-style-type: none"> Curriculum Assessment Early intervention methods Understanding and facilitating play) Teaching of reading and mathematics 	<i>Methodology and Teaching coursework specific to needs of children with significant disabilities, across grades 1-12</i> <ul style="list-style-type: none"> Curriculum development and modifications Transition planning Instructional strategies Inclusive education practices 	<i>Methodology and Teaching coursework specific to needs of children with hearing impairments, across grades K-12</i> <ul style="list-style-type: none"> Language development & linguistic principles in language acquisition Speech development, speech reading, audition training Assessment & evaluation Instructional strategies Audiology and audiology training Anatomy and physiology of the hearing mechanism Auditory assistive devices History and psychology of deafness Assistive devices and technology Either Signed, Cued, OR oral communication proficiency 	<i>Methodology and Teaching coursework specific to needs of visually impaired students, across grades K-12</i> <ul style="list-style-type: none"> Instructional strategies Braille code, teaching Braille reading (with proficiency as defined in LA State Competencies) Nemeth code, teaching Braille mathematics Using slate and stylus
Student Teaching or Internship (6-9 hours)				
Total Hours	33-39 hours			

¹Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

CERTIFICATION REQUIREMENTS				
Certification Requirements, in addition to successful program completion	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
	<ul style="list-style-type: none"> Passed PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics) Completed all coursework including the certification program with an overall 2.50 or higher GPA Passed PRAXIS Elementary Education: Content Knowledge (#0014) 			
	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Early Childhood Education (#0020)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Severe to Profound Disabilities (#0544)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Hearing Impairment (#0271)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353)</i>
	Prior to receiving a Level 1 or higher professional teaching certificate, all candidates entering an alternate certification program after May 1, 2004, will be required to demonstrate proficiency in the Reading Competencies as adopted by the State Board of Elementary and Secondary Education through (1) completing the same number of reading course hours as required by statute for undergraduate teacher education programs, or (2) passing a reading competency assessment.			

Non-Master's Certification-Only Alternate Programs for Special Education Areas				
Component	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
Admission to the Program	<ul style="list-style-type: none"> Baccalaureate degree Minimum 2.20 GPA (NOTE: An overall 2.50 GPA is required for state certification) Pass PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics)—Individuals who already possess a graduate degree will be exempted from this requirement. Pass PRAXIS Elementary Education: Content Knowledge (#0014) 			
PROGRAM REQUIREMENTS ¹				
Knowledge of the Learner and the Learning Environment (12 hrs.)	<i>Coursework specific to Infants, Toddlers, and Preschoolers:</i> <ul style="list-style-type: none"> Child development or psychology Foundations in early childhood education and early intervention Teaming, physical, & medical management Understanding and working with families 	<i>Coursework specific to needs of children with significant disabilities:</i> <ul style="list-style-type: none"> Assessment and evaluation Communication strategies Behavior support Collaborative techniques and family partnerships Physical support, health and safety Special education law Characteristics of individuals with significant disabilities 	Coursework specific to needs of general education students: <ul style="list-style-type: none"> Assessment and evaluation Special needs of students with disabilities Transition Instructional strategies and planning in the content areas Instructional strategies in literacy 	Coursework specific to needs of visually impaired students: <ul style="list-style-type: none"> Educational implications of low vision and blindness Orientation and mobility for the classroom teacher Assessment /evaluation techniques, including

	<ul style="list-style-type: none"> Communication and literacy in early intervention 		<ul style="list-style-type: none"> Education law, special education law, and school structure Technology in schools Diversity in schools 	<ul style="list-style-type: none"> functional vision evaluation and reading media assessment Assistive technology for the visually impaired Education law, special education law, school structure Transition
Methodology and Teaching (6 hrs.) Content-specific methods courses and field/clinical experiences	<i>Methodology and Teaching coursework specific to needs of Infants, Toddlers, and Preschoolers:</i> <ul style="list-style-type: none"> Curriculum Assessment Early intervention methods (including understanding and facilitating play) Teaching of reading and mathematics 	<i>Methodology and Teaching coursework specific to needs of children with significant disabilities, across grades 1-12</i> <ul style="list-style-type: none"> Curriculum development and modifications Transition planning Instructional strategies Inclusive education practices 	<i>Methodology and Teaching coursework specific to needs of children with impaired hearing, across grades K-12</i> <ul style="list-style-type: none"> Language development & linguistic principles in language acquisition Speech development, speech reading, audition training Assessment & evaluation Instructional strategies Audiology and audiology training Anatomy and physiology of the hearing mechanism Auditory assistive devices History and psychology of deafness Assistive devices and technology Either Signed, Cued, OR oral communication proficiency 	<i>Methodology and Teaching coursework specific to needs of visually impaired students, across grades K-12</i> <ul style="list-style-type: none"> Instructional strategies Braille code, teaching Braille reading (with proficiency as defined in LA State Competencies) Nemeth code, teaching Braille mathematics Using slate and stylus
Student Teaching or Internship (6 hours)				
Optional Prescriptive Plan (1-9 hours)	The prescriptive plan can be pre-planned courses for an individual PROGRAM or individualized hours for the candidate who demonstrates areas of need, not to exceed 9 semester hours.			
Program Total	24-33 hours			

¹Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

CERTIFICATION REQUIREMENTS				
Certification Requirements, in addition to successful program completion	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
	<ul style="list-style-type: none"> Passed PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics) Completed all coursework including the certification program with an overall 2.50 or higher GPA Passed PRAXIS Elementary Education: Content Knowledge (#0014) 			
	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Early Childhood Education (#0020)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Severe to Profound Disabilities (#0544)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Hearing Impairment (#0271)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353)</i>
	Prior to receiving a Level 1 or higher professional teaching certificate, all candidates entering an alternate certification program after May 1, 2004, will be required to demonstrate proficiency in the Reading Competencies as adopted by the State Board of Elementary and Secondary Education through (1) completing the same number of reading course hours as required by statute for undergraduate teacher education programs, or (2) passing a reading competency assessment.			

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 of 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 written comments until 4:30 p.m., October 9, 2004, 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 Special
Education Certification Structures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
This policy revision provides redesigned certification structures for Early Interventionist (EI), Significant Disabilities (SD), Hearing Impaired (HI), and Visual Impairments/Blind (VI/B) certification. New add-on requirements as well as options for both the master's degree and non-master's alternate certification programs are provided for all four special education certification areas. EI also includes an undergraduate structure. 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 Langley
Deputy Superintendent
Management and Finance
0408#013

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1508 Pupil Appraisal Handbook Eligibility Requirements for Specific Learning Disability (LAC 28:CI.325)

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 revisions to *Bulletin 1508 Pupil Appraisal Handbook* (LAC Part Number CI). Section 325 of *Bulletin 1508, Pupil Appraisal Handbook*, regarding eligibility requirements for Specific Learning Disability, should be revised for better clarity. The new language would allow the consideration of a weakness in the preponderance of the data when using professional judgment to determine the existence of a specific learning disability.

Title 28

EDUCATION

**Part CI. Bulletin 1508 Pupil Appraisal Handbook
Chapter 3. Criteria for Eligibility, Screening, and
Evaluation Procedures for Each
Exceptionality**

§325. Specific Learning Disability

A. - B.1.c.ii.(h) ...

2. The multidisciplinary team may use its professional judgment to determine whether a specific learning disability exists, when either an academic strength or weakness is indicated by a preponderance of the data collected as a part of the evaluation. These data must include, at a minimum, the implementation and analysis of classroom-based assessment and teacher interview(s); it may include any other data collected through the results of individual interventions, the results of the student observation, classroom formal or informal procedures. Whenever the multidisciplinary team decides to use these data to classify a student with a Specific Learning Disability, a full explanation and justification must be included in the evaluation report.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1623 (August 2004), amended LR 30:

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.

- I. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of 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, 2004, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 1508** Pupil Appraisal Handbook Eligibility Requirements for Specific Learning Disability

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs to local government. The cost of dissemination at the state level will be approximately \$500.00 from federal funds.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no increase or decrease in state or local government revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups. This rule change would allow for clarification of the already existing criteria for Specific Learning Disability listed in *Bulletin 1508, the Pupil Appraisal Handbook*, Adopting it as a rule would not incur any additional action with people or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on employment or competition in the public and private sectors as a result of this rule.

Marlyn Langley,
Deputy Superintendent
Management and Finance
0408#060

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Technical Revisions
(LAC 28:I. 313, 901, 902, 904, 906, 909, 911, 913,
915, 921, 930, 943, 944, 945, 1101, and 1103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement revisions to LAC 28:I.Chapters 3, 9, and 11:§313, §901, §902, §904, §906,

§909, §911, §913, §915, §921, §930, §943, §944, §945, §1101, and §1103. The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE Board business. The board is in the process of removing sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The Sections being removed will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 3. Rules of Procedure

§313. Waivers of Minimum Standards: Procedures

A. - D.5.ii. ...

E.1. - E.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:7(5)(6)(7), 17:7.1, and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 15:962 (November 1989), amended LR 16:297 (April 1990), 396 (May 1990), 1056 (December 1990), LR 18: 602 (June 1992), LR 19:173 (February 1993), LR 19:739 (June 1993), LR 20:1262 (November 1994), LR 30:

Chapter 9. Bulletins, Regulations, and State Plans

§901. School Approval Standards and Regulations

A. - I. ...

J.1. - J.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761-3764 and 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:483 (November 1975), amended LR 2:109 (April 1977), LR 2:133 (May 1977), LR 2:200 (June 1977), LR 2:225 (July 1977), LR 2:312 (August 1977), LR 2:317 (September 1977), LR 2:350 (October 1977), LR 2:406 (December 1977), LR 4:1 (January 1978), LR 4:70 (March 1978), LR 4:204 (May 1978), LR 4:207 (May 1978), LR 4:240 (July 1978), LR 2:294 (September 1978), LR 2:337 (October 1978), LR 4:360 (November 1978), LR 5:62 (March 1979), LR 5:77 (April 1979), LR 4:94 (May 1979), LR 4:140 (June 1979), LR 4:168 (July 1979), LR 4:276 (September 1979), LR 4:326 (October 1979), LR 4:345 (November 1979), LR 4:476 (December 1979), LR 6:53 (February 1980), LR 6:54 (February 1980), LR 6:144 (April 1980), LR 6:204 (July 1980), LR 6:488 (August 1980), LR 6:543 (September 1980), LR 7:288 (June 1981), LR 7:407 (August 1981), LR 7:484 (October 1981), LR 8:63 (February 1982), LR 8:142 (March 1982), LR 8:234 (May 1982), LR 8:276 (June 1982), LR 8:472 (September 1982), LR 8:510 (October 1982), LR 9:60 (February 1983), LR 9:389 (June 1983), LR 9:530 (August 1993), LR 9:548 (August 1983), LR 9:676 (October 1983), LR 9:753 (November 1983), LR 9:832 (December 1983), LR 9:836 (December 1983), LR 10:3 (January 1984), LR 10:7 (January 1984), LR 10:76 (February 1984), LR 10:280 (April 1984), LR 10:875 (November 1984), LR 10:876 (November 1984), LR 10:997 (December 1984), LR 11:7 (January 1985), LR 11:520 (May 1985), LR 11:617 (June 1985), LR 11:685 (August 1985), LR 11:758 (September 1985), LR 11:848 (October 1985), LR 11:945 (October 1985), LR 11:1065 (November 1985), LR 12:225 (April 1986), LR 12:420 (July 1986), LR 12:421 (July 1986), LR 12:667 (October 1986), LR 12:762 (November 1986), LR 12:763 (November 1986), LR 13:14 (January 1987), LR 13:84 (February 1987), LR 13:236 (April 1987), LR 13:290 (May 1987), LR 13:393 (July 1987), LR 13:433 (August 1987), LR 13:495 (September 1987), LR 13:496 (September 1987), LR 14:10 (January 1988), LR 14:145 (March 1988), LR 14:146 (March 1988), LR 14:227 (April 1988), LR

14:292 (April 1988), LR 14:348 (June 1988), LR 14:423 (July 1988), LR 14:531 (August 1988), LR 14:608 (September 1988), LR 14:609 (September 1988), LR 14:703 (October 1988), LR 14:861 (December 1988); LR 15:80 (February 1989), LR 15:260 (April 1989), LR 15:261 (April 1989), LR 15:376 (May 1989), LR 15:468 (June 1989), LR 15:544 (July 1989), LR 15:818 (October 1989), LR 15:819 (October 1989), LR 15:962 (November 1989), LR 16:297 (April 1990), LR 16:396 (May 1990), LR 16:605 (July 1990), LR 16:682 (August 1990), LR 18:27 (January 1992), LR 20:1261 (November 1994), LR 24:1896 (October 1998), LR 25:249 (February 1999), LR 25:419 (March 1999), LR 25:831 (May 1999), LR 25:1084 (June 1999), LR 25:1433 (August 1999), LR 25:1793 (October 1999), LR 25:2160 (November 1999), LR 25:2166 (November 1999), LR 26:62 (January 2000), LR 26:244 (February 2000), LR 26:246 (February 2000), LR 26:247 (February 2000), LR 26:458 (March 2000), LR 26:635 (April 2000), LR 26:1260 (June 2000), LR 26:1430 (July 2000), LR 26:1431 (July 2000), LR 26:1575 (August 2000), LR 26:2259 (October 2000), LR 27:32 (January 2001), LR 27:184 (February 2001), LR 27:185 (February 2001), LR 27:187 (February 2001), LR 27:694 (May 2001), LR 27:695 (May 2001), LR 27:815 (June 2001), LR 27:1005 (July 2001), LR 27:1181 (August 2001), LR 27:1182 (August 2001), LR 27:1512 (September 2001), LR 28:444 (March 2002), LR 30:

§902. Louisiana Dyslexia Law

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 18:1249 (November 1992), amended LR 19:1417 (November 1993), LR 20:647 (June 1994), LR 26:249 (February, 2000), repealed LR 30:

§904. Charter Schools

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3971-3973, 3981-3983, 3991-3993, 3995-3999, and 4001, and 39:75(C)(1)(b).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 24:1683 (September 1998), amended LR 25:249 (February 1999), LR 26:459 (March 2000), LR 28:1187 (June 2002), repromulgated LR 28:1938 (September 2002), repealed LR 30:

§906. Early Childhood Programs

A. - B. ...

C. - C.2. Repealed

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 12291, Parts 98 and 99; R.S. 17:24.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:1249 (November 1992), amended LR 19:1549 (December 1993), LR 20:416 (April 1994), LR 21:1220 (November 1995), LR 24:295 (February 1998), LR 25:254 (February 1999), LR 28:444 (March 2002), LR 30:

§909. Special Education Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941-1958, P.L. 101-476, R.S. 17:1971-79, IDEA Part B, Section 1400, Sub-Chapter II (CFDA 84.173).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 4:337 (September 1978), amended LR 7:407 (August 1981), LR 7:484 (October 1981), LR 7:625 (December 1981), LR 8:63 (February 1982), LR 8:323 (July 1982), LR 9:130 (March 1983), LR 9:549 (August 1983), LR 9:835, 836 (December 1983), LR 10:7 (January 1984), LR 11:252 (March 1985), LR 12:763 (November 1986), LR 14:11 (January 1988), LR 14:609 (September 1988), LR 16:297 (April 1990), LR 16:496 (June 1990), LR 17:956, 957 (October 1991), LR 18:310 (April 1992) LR 18:1148 (November 1992), LR 19:171 (February 1993), LR 19:1131 (September 1993), LR 19:1416 (November 1993), LR 20:161 (February 1994), LR 21:550 (June

1995), LR 22:190 (March 1996), LR 24:283 (February 1998), LR 26:639 (April, 2000), LR 26:1554 (August 2000), LR 26:1576 (August 2000), LR 27:34 (January 2001), LR 28:444 (March 2002), LR 29:867 (June 2003), repealed LR 30:

§911. School Library Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5) and 10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 4:2 (January 1978), amended LR 4:360 (October 1978), LR 7:287 (June 1981), LR 16:297 (April 1990), LR 23:563 (May 1997), LR 28:444 (March 2002), repealed LR 30:

§913. School Food Service Standards and Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5), 17:10, 17:82, 17:191-199 and 1792.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 4:1 (January 1978), amended LR 4:206 (May 1978), LR 6:305 (July 1980), LR 9:60 (February 1983), LR 10:7 (January 1984), LR 13:393 (July 1997), LR 14:609 (September 1988), LR 15:9 (January 1989), LR 16:297 (April 1990), LR 18:370 (April 1992), LR 19:738 (June 1993), LR 21:780 (August 1995), LR 22:452 (June 1996), LR 24:631 (April 1998), LR 27:2100 (December 2001), LR 28:1737 (August 2002), LR 28:1740 (August 2002), repealed LR 30:

§915. Bus Transportation Standards and Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, 17:160-161 and 17:164-166.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 2:187 (June 1976), amended LR 5:168 (July 1979), LR 5:243 (August 1979), LR 6:498 (August 1980), LR 7:6 (January 1981), LR 7:436 (September 1981), LR 8:406 (August 1982), LR 9:130 (March 1983), LR 11:252 (March 1985), LR 12:599 (September 1986), LR 12:667 (October 1986), LR 13:291 (May 1987), LR 14:10 (January 1988), LR 14:348 (June 1988), LR 14:789 (November 1988), LR 15:468, 469 (June 1989), LR 14:544 (July 1989), LR 14:962 (November 1989), LR 16:297 (April 1990), LR 19:171 (February 1993), LR 19:171 (February 1993), LR 19:890 (July 1993), LR 21:163 (February 1995), LR 21:259 (March 1995), LR 22:809 (September 1996), LR 25:624, 643 (April, 1999), LR 25:832 (May 1999), LR 25:2168, 2169 (November, 1999), LR 26:639 (April, 2000), LR 27:187 (February 2001), repealed LR 30:

§921. Quality Education Support Fund (8g)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const., Art. VII, §10.1, R.S. 17:7.3 and 3801.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 14:10 (January 1988), LR 14:146 (February 1988), LR 14:228 (March 1988), LR 14:393 (April 1988), LR 14:702 (October 1988), LR 14:790 (November 1988), LR 14:862 (December 1988), LR 15:8 (January 1989), LR 15:181 (March 1989), LR 15:260 (April 1989), LR 15:468 (June 1989), LR 15:1058 (December 1989), LR 16:297 (April 1990), LR 18:370 (April 1992), LR 18:600 (June 1992) LR 18:1117 (October 1992), LR 18:1248 (November 1992), LR 19:172 (February 1993), LR 19:737 (June 1993), LR 20:162 (February 1994), LR 20:997, 998 (September 1994), LR 20:1260, 1262 (November 1994), LR 21:1079 (October 1995), LR 26:248 (February, 2000), repealed LR 30:

§930. State Content Standards

A. - F.2. ...

G. - G. 2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 24:296, amended LR 24:2088 (November 1998), LR 30:

§943. Louisiana Child Nutrition Program Regulations
Repealed

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 15:9 (January 1989), amended LR 16:297 (April 1990), LR 21:464 (May 1995), LR 26:1599 (August 2000), repealed LR 30:

§944. Child and Adult Care Food Program
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1441.4(b).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 19:1549 (December 1993), repealed LR 30:

§945. State Plan for Drug Free Schools
Repealed.

AUTHORITY NOTE: Promulgated in accordance with 21 USCA 801, as amended by 20 USCA 2701 and 21 USCA 1501.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:766 (September 1990), repealed LR 30:

§1101. Paraprofessional Training Units
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:1941, 17:1944 and 17:1947.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 7:69 (March 1981), LR 7:625, 626 (December 1981), amended LR 8:644 (December 1982), LR 16:297 (April 1990), repealed LR 30:

§1103. Guidelines for Act 728 (1979): Tri-Party Agreements
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:1946(C)(F)(E)(F).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 6:257 (June 1980), amended LR 16:297 (April 1990), repealed LR 30:

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 of 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, 2004, to Nina A. Ford, Board of Elementary and

Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FOR ADMINISTRATIVE RULES
RULE TITLE: Technical Revisions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The "Louisiana Administrative Code" should contain regulatory policies and procedures germane to the conduct of BESE Board business. We are in the process of removing sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The sections we are removing will not have an effect on the way BESE conducts Board business or the regulatory procedures or language used to oversee any programs.

This action will have no fiscal effect other than \$136.00 for advertising in the Louisiana 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 government 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
0408#063

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Hazardous Waste Delisting
(LAC 33:V.105 and 4999.Appendix E)(HW086)

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 Hazardous Waste regulations, LAC 33:V.105 and 4999.Appendix E (Log #HW086).

Departmental policies regarding petitions for exclusion from the hazardous waste regulations (hazardous waste delistings) are being codified. Petitioners are required to use an independent laboratory and an independent data validator. Analyses of dioxins and furans are included in all four sampling rounds. Certain laboratory data are specified for submittal to the department. The sections titled Data

Submittal, Reopener Language, and Notification Requirements in LAC 33:V.4999.Appendix E are being standardized for all conditional hazardous waste exclusions under LAC 33.V.105.M. This action establishes a consistency in the requirements for hazardous waste exclusion petitioners. The basis and rationale for this proposed Rule are to codify current departmental policy and to make necessary provisions enforceable and consistent among all the hazardous waste rulemakings.

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 V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These Rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these Rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

A. - M.6. ...

7. Each petition must include, in addition to the information required by LAC 33:I.Chapter 9:

a. the name and address of the independent laboratory facility, accredited by the state of Louisiana in accordance with LAC 33:I.Subpart 3, performing the sampling or tests of the waste;

b. - i. ...

j. a description of the tests performed (including results):

i. during the first sampling round, these tests must include the Toxicity Characteristic Leaching Procedure (TCLP) analysis of all the groundwater monitoring constituents listed in LAC 33:V.3325.Table 4 and analysis of total volatiles, semi-volatiles, and metals;

ii. all four sampling rounds must include analyses of dioxins and furans;

iii. all lab data, including instrument tuning, method blanks, field blanks, trip blanks, calibration data, chromatograms, duplicates, matrix spikes, and matrix spike duplicates, must be included;

k. the names and model numbers of the instruments used in performing the tests;

l. a report indicating that the data was reviewed by an independent data validator before being submitted to the department; and

m. the following statement signed by the generator of the waste or his authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on

my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

M.8. - O.2.c.vi....

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 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687 (September 1998), LR 24:1759 (September 1998), LR 25:431(March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:

Chapter 49. Lists of Hazardous Wastes

§4999. Appendices A, B, C, D, E

Appendix A. - Appendix D. ...

Appendix E. Wastes Excluded Under LAC 33:V.105.M

A. Each facility granted a conditional exclusion must comply with the specific conditions for the waste exclusion as listed in Table 1 of this Appendix. Each waste exclusion listed in Table 1 shall begin with a waste description and include details for the following conditions:

1. testing, including organic and/or inorganic constituents, dioxins, furans, etc.;

2. waste holding and handling;

3. delisting levels, including organic and/or inorganic constituents, dioxins, furans, etc.; and

4. changes in operating conditions or feed streams.

B. Each facility granted a conditional exclusion must comply with the following general conditions pertaining to the waste exclusion listed in Table 1 of this Appendix.

1. Data Submittal

a. The facility must notify the department, in writing, at least two weeks prior to initiating the specific testing required for the waste exclusion.

b. All data obtained to fulfill the required testing must be submitted to the Office of Environmental Assessment within 60 days after each sampling event.

c. Records of operating conditions and analytical data from the required testing must be compiled, summarized, and maintained on-site for a minimum of three

years. These records and data must be furnished upon request of the department and made available for inspection.

d. 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.

e. 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.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In the event that any of this information is determined by the department, in its sole discretion, to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had been in effect, or to the extent directed by the department, and that the company will be liable for any actions taken in contravention of the company's environmental obligations under the Louisiana Environmental Quality Act premised upon the company's reliance on the void exclusion."

2. Reopener Language

a. If, at any time after disposal of the delisted waste, the facility possesses or is otherwise made aware of any environmental data (including, but not limited to, leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in the delisting verification testing is at a level higher than the delisting level allowed by the department in granting the petition, the facility must report the data, in writing, to the department within 10 days of first possessing or being made aware of that data.

b. If the testing of the waste, as required by the waste exclusion, does not meet the specific delisting requirements of the waste exclusion, the facility must report the data, in writing, to the department within 10 days of first possessing or being made aware of that data.

c. Based on the information described herein and any other information received from any source, the department will make a preliminary determination as to whether the reported information requires that the department take action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or such other appropriate response as may be necessary to protect human health and the environment.

d. If the department determines that the reported information does require departmental action, the department will notify the facility, in writing, of the action believed necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed action is not necessary. The facility shall have 10 days from the date of the department's notice to present such information.

e. Following the receipt of information from the facility, or if no such information is received within 10 days, the department will issue a final written determination

describing the departmental actions that are necessary to protect human health or the environment.

f. Any required action described in the department's determination shall become effective immediately, unless the department provides otherwise.

3. Notification Requirements

a. The facility must provide a one-time written notification to any state regulatory agency in a state to which or through which the delisted waste will be transported, at least 60 days prior to the commencement of such activities.

b. Failure to provide notification will result in a violation of the delisting conditions and a possible revocation of the decision to delist.

Table 1 - Wastes Excluded
DuPont Dow Elastomers LLC, LaPlace, LA
<p>Dynawave Scrubber Effluent is generated through the combustion of organic waste feed streams carrying the listed EPA Hazardous Waste Numbers F001, F002, F003, and F005. The specific hazardous waste streams being combusted and their EPA Hazardous Waste Numbers are: HCl Feed - D001, D002, and D007; Ponchartrain CD Heels - D001 and F005; Waste Organics - D001, D007, and F005; Catalyst Sludge Receiver (CSR) Sludge - D001, D007, and F005; Isom Purge - D001, D002, and F005; and Louisville CD Heels - D001, D007, D039, F001, F002, F003, and F005. DuPont Dow Elastomers must implement a sampling program that meets the following conditions for the exclusion to be valid.</p> <p>(1). Testing Sample collections and analyses, including quality control (QC) procedures, must be performed according to methodologies described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846, as incorporated by reference in LAC 33:V.110.</p> <p>(1)(A). Inorganic Testing During the first 12 months of this exclusion, DuPont Dow must collect and analyze a monthly grab sample of the Dynawave Scrubber Effluent. DuPont Dow must report to the department the unit operating conditions and analytical data (reported in milligrams per liter) for chromium, nickel, and zinc, including quality control information. If the department and DuPont Dow concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(A), then DuPont Dow may replace the inorganic testing required in condition (1)(A) with the inorganic testing required in condition (1)(B). Condition (1)(A) shall remain effective until this concurrence is reached.</p> <p>(1)(B). Subsequent Inorganic Testing Following concurrence by the department, DuPont Dow may substitute the following testing conditions for those in condition (1)(A). DuPont Dow must continue to monitor operating conditions and analyze samples representative of each year of operation. The samples must be grab samples from a randomly chosen operating day during the same month of operation as the previous year's sampling event. These annual representative grab samples must be analyzed for chromium, nickel, and zinc. DuPont Dow may, at its discretion, analyze any samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.</p> <p>(1)(C). Organic Testing During the first 30 days of this exclusion, DuPont Dow must collect a grab sample of the Dynawave Scrubber Effluent and analyze it for the organic constituents listed in condition (3)(B) below. After completing this initial sampling, DuPont Dow shall sample and analyze for the organic constituents listed in condition (3)(B) on an annual basis.</p> <p>(1)(D). Dioxins and Furans Testing During the first 30 days of this exclusion, DuPont Dow must collect a grab sample of the Dynawave Scrubber Effluent and analyze it for the dioxins and furans in condition (3)(C) below. After completing this initial sampling, DuPont Dow shall sample and analyze for the dioxins and furans in condition (3)(C) once every three years to commence three years after the initial sampling.</p> <p>(2). Waste Holding and Handling</p>

Table 1 - Wastes Excluded

Consequent to this exclusion, the Dynawave Scrubber Effluent becomes, on generation, nonhazardous solid waste and may be managed and disposed of on the DuPont Dow plant site in any one of three permitted underground deep injection wells. With prior written authorization from the department, alternative disposal methods may be either a Louisiana Pollution Discharge Elimination System/National Pollution Discharge Elimination System (LPDES/NPDES) permitted outfall or a permitted commercial underground deep injection well. This newly delisted waste must always be managed and disposed of in accordance with all applicable solid waste regulations. If constituent levels in any representative sample equal or exceed any of the delisting levels set in condition (3), the Dynawave Scrubber Effluent must be immediately resampled and reanalyzed for the constituent(s) that exceeded the delisting levels. If the repeat analysis is less than the delisting levels, then DuPont Dow shall resume the normal sampling and analysis schedule as described in condition (1). If the results of the reanalysis equal or exceed any of the delisting levels, then within 45 days DuPont Dow shall submit a report to the department that outlines the probable causes for exceeding the constituent level and recommends corrective action measures. The department shall determine the necessary corrective action and shall notify DuPont Dow of the corrective action needed. DuPont Dow shall implement the corrective action and resume sampling and analysis for the constituent per the schedule in condition (1). Within 30 days after receiving written notification, DuPont Dow may appeal the corrective action determined by the department. During the full period of corrective action determination and implementation, the exclusion of the Dynawave Scrubber Effluent shall remain in force unless the department notifies DuPont Dow in writing of a temporary rescission of the exclusion. Normal sampling and analysis shall continue through this period as long as the exclusion remains in force.

(3). Delisting Levels

The following delisting levels have been determined safe by taking into account health-based criteria and limits of detection. Concentrations in conditions (3)(A) and (3)(B) must be measured in the extract from the samples by the method specified in LAC 33:V. 4903.E. Concentrations in the extract must be less than the following levels (all units are milligrams per liter).

(3)(A). Inorganic Constituents

Chromium - 2.0; Nickel - 2.0; Zinc - 200.

(3)(B). Organic Constituents

Acetone - 80; Chlorobenzene - 2.0; Chloroform - 0.2; Chloroprene - 14; Ethylbenzene - 14; Methylene Chloride - 0.1; Styrene - 2.0; Toluene - 20; Xylenes - 200.

(3)(C). Dioxins and Furans

The 15 congeners listed in Section 1.1 of EPA Publication Number SW-846 Method 8290 - Monitor only.

(4). Changes in Operating Conditions or Feed Streams

If DuPont Dow either significantly changes the operating conditions specified in the petition or adds any previously unspecified feed streams and either of these actions would justify a Class 3 modification to its combustion permit, DuPont Dow must notify the department in writing. Following receipt of written acknowledgement by the department, DuPont Dow must collect a grab sample and analyze it for the full universe of constituents found in 40 CFR Part 264, Appendix IX - Ground Water Monitoring List (LAC 33:V.3325). If the results of the Appendix IX analyses identify no new hazardous constituents, then DuPont Dow must reinstitute the testing required in condition (1)(A) for a minimum of 12 monthly operating periods. During the full period described in this condition, the delisting of the Dynawave Scrubber Effluent shall remain in force unless a new hazardous constituent is identified or the waste volume exceeds 25,000 cubic yards per year; at this time the delisting petition shall be reopened. DuPont Dow may eliminate feeding any stream to the combustion unit at any time without affecting the delisting of the Dynawave Scrubber Effluent or the sampling schedule.

Marathon Oil Co., Garyville, LA

Residual solids are generated from the thermal desorption treatment of the following wastes: EPA Hazardous Waste Number K048, dissolved air flotation (DAF) float; K049, slop oil emulsion solids; K050, heat exchanger bundle cleaning sludge; K051, American Petroleum Institute (API) separator sludge; F037, primary oil/water/solids separation sludge; and F038, secondary emulsified oil/water/solids separation sludge. The

Table 1 - Wastes Excluded

constituents of concern for K048-K051 wastes are listed as hexavalent chromium and lead (see LAC 33:V. 4901). The constituents of concern for F037 and F038 wastes are listed as hexavalent chromium, lead, benzene, benzo(a)pyrene, and chrysene (see LAC 33:V.4901). Marathon must implement a testing program that meets the following conditions for the exclusion to be valid.

(1). Testing

Sample collection and analyses, including quality control (QC) procedures, must be performed according to methodologies described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846, as incorporated by reference in LAC 33:V.110. If the department judges the desorption process to be effective under the operating conditions used during the initial verification testing, Marathon may replace the testing required in condition (1)(A) with the testing required in condition (1)(B). Marathon must continue to test as specified in condition (1)(A) until and unless notified by the department in writing that testing in condition (1)(A) may be replaced by condition (1)(B), or that testing requirements may be reduced or terminated as described in conditions (1)(C) and (1)(D) to the extent directed by the department.

(1)(A). Initial Verification Testing

During at least the first four weekly operating periods of full-scale operation of the thermal desorption unit, Marathon must monitor the operating conditions of the thermal desorption unit to maintain a minimum residual solids temperature throughout the high temperature unit of 870°F. The residual solids must be analyzed as weekly composites. The weekly composites must be composed of a minimum of two representative grab samples from each operating day during each weekly period of operation. The samples must be analyzed for the constituents listed in condition (3) prior to disposal of the residual solids. Marathon must report the operational and analytical test data, including quality control information, obtained during this initial period, no later than 90 days after initiating full-scale processing.

(1)(B). Subsequent Verification Testing

Following notification of approval by the department, Marathon may substitute the following testing conditions for those in condition (1)(A). Marathon must continue to monitor operating conditions and analyze samples representative of each month of operation. The samples must be composed of eight representative samples from randomly chosen operating days during the four-week period of operation of each month. These monthly representative composite samples must be analyzed for the constituents listed in condition (3) prior to the disposal of the residual solids. Marathon may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.

(1)(C). Termination of Monthly Organic Testing

Marathon must continue to monitor unit operating conditions and perform testing as required under condition (1)(B), for the constituents listed in condition (3)(B), until the analyses submitted under condition (1)(B) show a minimum of three consecutive monthly representative samples with levels of constituents significantly below delisting levels listed in condition (3)(B). Following notification of approval by the department, Marathon may terminate monthly testing for the organic constituents found in condition (3)(B). Following termination of monthly testing for organic constituents, Marathon must test a representative composite sample, composited over a one-week time period, for all constituents listed in condition (3)(B) on a quarterly basis. If delisting levels for any organic constituents listed in condition (3)(B) are exceeded in the quarterly sample, Marathon must re-institute testing as required in condition (1)(B).

(1)(D). Termination of Monthly Inorganic Testing

Marathon must continue to monitor unit operating conditions and perform testing as required under condition (1)(B), for the constituents listed in condition (3)(A), until the analyses submitted under condition (1)(B) show a minimum of three consecutive monthly representative samples with levels of constituents significantly below delisting levels listed in condition (3)(A). Following notification of approval by the department, Marathon may terminate monthly testing for the inorganic constituents found in condition (3)(A). Following termination of monthly testing for inorganic constituents, Marathon must test a representative composite sample, composited over a one-week time period, for all constituents listed in condition (3)(A) on a quarterly basis. If delisting levels for any inorganic constituents listed in condition (3)(A) are exceeded in the quarterly sample, Marathon must re-institute testing as required in condition (1)(B).

Table 1 - Wastes Excluded

(2). Waste Holding and Handling

Marathon must store as hazardous wastes all residual solids generated until each batch has completed verification testing, as specified in conditions (1)(A)-(1)(D), and has satisfied the delisting criteria, as specified in condition (3). If the levels of constituents in the samples of residual solids are below all of the applicable levels set forth in condition (3), then the residual solids thereby become nonhazardous solid wastes and may be managed and disposed of in accordance with all applicable solid waste regulations. If constituent levels in any weekly composite or other representative sample equal or exceed any of the delisting levels set in condition (3), the residual solids generated during the corresponding period must be retreated to meet the delisting levels or managed and disposed of in accordance with subtitle C of RCRA.

(3). Delisting Levels

The following delisting levels have been determined safe by taking into account health-based criteria and limits of detection. Concentrations in conditions (3)(A) and (3)(B) must be measured in the extract from the samples by the method specified in LAC 33:V.4903.E. Concentrations in the extract must be less than the following levels (all units are milligrams per liter).

(3)(A). Inorganic Constituents

Antimony - 0.22; Arsenic - 0.40; Barium - 72; Beryllium - 0.14; Cadmium - 0.18; Chromium - 3.6; Lead - 0.54; Mercury - 0.072; Nickel - 3.6; Selenium - 1.0; Silver - 5.0; Vanadium - 7.2.

(3)(B). Organic Constituents

Acenaphthene - 72; Benzene - 0.18; Benzo(a)anthracene - 0.050; Benzo(a)pyrene - 0.050; Benzo(b)fluoranthrene - 0.050; Bis(2-ethylhexyl)phthalate - 0.22; Chrysene - 0.05; Ethylbenzene - 25; Fluoranthrene - 72; Fluorene - 72; Naphthalene - 36; Pyrene - 72; Toluene - 36.

(4). Changes in Operating Conditions

After completing the initial verification test period in condition (1)(A), if Marathon significantly changes the operating conditions specified in the petition, Marathon must notify the department in writing. Following receipt of written approval by the department, Marathon must re-institute the testing required in condition (1)(A) for a minimum of four weekly operating periods. Marathon must report unit operating conditions and test data required by condition (1)(A), including quality control data, obtained during this period no later than 60 days after the changes take place. Following written notification by the department, Marathon may replace testing condition (1)(A) with (1)(B), or reduce or terminate testing requirements as described in conditions (1)(C) and (1)(D) to the extent directed by the department. Marathon must fulfill all other requirements in condition (1).

(4)(A). Processing Equipment

Marathon may elect to change thermal desorption processing equipment based on operational performance and economic considerations. In the event that Marathon changes operating equipment, i.e., generic thermal desorption units, Marathon must re-institute processing and initiate testing required in condition (1)(A) for a minimum of four weekly operating periods. Marathon must report unit operating conditions and test data required in condition (1)(A), including quality control data, obtained during this period no later than 60 days after the changes take place. Following written notification by the department, Marathon may replace testing condition (1)(A) with (1)(B), or reduce or terminate testing requirements as described in conditions (1)(C) and (1)(D) to the extent directed by the department. Marathon must fulfill all other requirements in condition (1).

(4)(B). Batch Processing

Marathon may periodically elect to change operating conditions to accommodate batch processing of single-event waste generations. In the event that Marathon initiates batch processing and changes the operating conditions established under condition (1), Marathon must re-institute the testing required in condition (1)(A) during such batch processing events and monitor unit operating conditions and perform testing required by condition (1)(A), as appropriate. Following the completion of batch processing operations, Marathon must return to the operating conditions applicable prior to initiation of the batch processing and may return to the testing conditions that were applicable prior to the initiation of the batch processing activities.

Table 1 - Wastes Excluded

Motiva Enterprises LLC, Norco, LA

Residual solids, at a maximum annual generation rate of 10,000 cubic yards per year (7,500 tons/year), are generated from the thermal desorption recycling of oil-bearing secondary materials resulting from petroleum processing operations, which are classified as newly generated EPA Hazardous Waste Number F037, petroleum refinery primary oil/water/solids separation sludge (effective February 8, 1999, per the updated definition promulgated on August 6, 1998, and the corrected definition dated June 8, 2000). For the purpose of this exclusion, oil-bearing hazardous secondary materials resulting from petroleum refining operations include EPA Hazardous Waste Numbers K048-K052, K169-K170, F037, and F038. The constituents of concern for F037 waste are listed as hexavalent chromium, lead, benzene, benzo(a)pyrene, and chrysene (see LAC 33:V.4901). Motiva must implement a testing and management program that meets the following conditions for the exclusion to be valid.

(1). Testing

Sample collection and analyses, including quality control (QC) procedures, must be performed according to methodologies described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846, as incorporated by reference in LAC 33:V.110.

(1)(A). Inorganic Testing

During the first 12 months of this exclusion, Motiva must collect and analyze a monthly composite sample of the residual solids. Composite samples must be composed of a minimum of two representative grab samples from each operating day during a representative week of operation. The samples must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the residual solids. Motiva must report to the department the unit operating conditions and analytical data (reported in milligrams per liter) for antimony, arsenic, barium, chromium, lead, mercury, nickel, selenium, silver, vanadium, and zinc, including quality control information. If the department and Motiva concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(A), then Motiva may replace the inorganic testing required in condition (1)(A) with the inorganic testing required in condition (1)(B). Condition (1)(A) shall remain effective until this concurrence is reached.

(1)(B). Subsequent Inorganic Testing

Following concurrence by the department, Motiva may substitute the following testing conditions for those in condition (1)(A). Motiva must continue to monitor operating conditions and analyze quarterly composite samples representative of normal operations. The samples must be composed of representative grab samples from each operating day during a representative week of operation, during the first month of each quarterly period. These quarterly representative composite samples must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the residual solids. If delisting levels for any inorganic constituents listed in condition (3)(A) are exceeded in the quarterly sample, Motiva must re-institute testing as required in condition (1)(A). Motiva may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.

(1)(C). Organic Testing

During the first 12 months of this exclusion, Motiva must collect and analyze two monthly grab samples of the residual solids. These two representative grab samples should be collected on different operating days during a representative week of operation. The samples must be analyzed for the constituents listed in condition (3)(B) prior to disposal of the residual solids. Motiva must report to the department the unit operating conditions and analytical data (reported in milligrams per liter) for anthracene, benzene, toluene, xylenes, carbon disulfide, chrysene, naphthalene, and pyrene, including quality control information. If the department and Motiva concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(B), then Motiva may replace the organic testing required in condition (1)(C) with the organic testing required in condition (1)(D). Condition (1)(C) shall remain effective until this concurrence is reached.

(1)(D). Subsequent Organic Testing

Following concurrence by the department, Motiva may substitute the following testing conditions for those in condition (1)(C). Motiva must

Table 1 - Wastes Excluded

continue to monitor operating conditions and analyze two annual grab samples representative of normal operations. The samples must be representative grab samples from different operating days during a representative week of operation, during the first month of each annual period. These annual representative grab samples must be analyzed for the constituents listed in condition (3)(B) prior to disposal of the residual solids. If delisting levels for any organic constituents listed in condition (3)(B) are exceeded in the annual sample, Motiva must re-institute testing as required in condition (1)(C). Motiva may, at its discretion, analyze grab samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.

(2). Waste Holding and Handling

Motiva must store as hazardous wastes all residual solids generated until each batch has completed verification testing, as specified in conditions (1)(A) - (1)(D), and has satisfied the delisting criteria, as specified in condition (3). If the levels of constituents in the samples of residual solids are below all of the applicable levels set forth in condition (3), then the residual solids thereby become nonhazardous solid wastes and may be managed and disposed of in accordance with all applicable solid waste regulations. If hazardous constituent levels in any monthly composite or other representative sample equal or exceed any of the delisting levels set in condition (3), the residual solids generated during the corresponding period must be retreated and/or stabilized as allowed below until the residual solids meet the delisting levels, or managed and disposed of in accordance with Subtitle C of RCRA. If the residual solids contain leachable inorganic concentrations at or above the delisting levels set forth in condition (3)(A), then Motiva may stabilize the material with Type 1 portland cement and/or hydrated lime, as demonstrated in the petition, to immobilize the metals. Following stabilization, Motiva must repeat analyses in condition (3)(A) prior to disposal.

(3). Delisting Levels

Concentrations in conditions (3)(A) and (3)(B) must be measured in the extract from the samples by the method specified in LAC 33:V.4903.E. All leachable concentrations in the extract must be less than the following levels (all units are milligrams per liter).

(3)(A). Inorganic Constituents

Antimony - 0.50; Arsenic - 0.50; Barium - 50.0; Chromium - 0.50; Lead - 0.50; Mercury - 0.05; Nickel - 5.0; Selenium - 1.0; Silver - 0.5; Vanadium - 1.6; Zinc - 50.0.

(3)(B). Organic Constituents

Anthracene - 0.20; Benzene - 0.10; Carbon disulfide - 4.8; Chrysene - 0.05; Naphthalene - 0.05; Pyrene - 0.05; Toluene - 0.10; Xylenes - 0.10.

(4). Changes in Operating Conditions

If Motiva significantly changes the operating conditions specified in the petition, Motiva must notify the department in writing. Following receipt of written approval by the department, Motiva must re-institute the testing required in conditions (1)(A) and (1)(C) for a minimum of four months. Motiva must report unit operating conditions and test data required by conditions (1)(A) and (1)(C), including quality control data, obtained during this period no later than 60 days after the changes take place. Following written notification by the department, Motiva may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). Motiva must fulfill all other requirements in condition (1).

(4)(A). Processing Equipment

Motiva may elect to change thermal desorption processing equipment based on operational performance and economic considerations. In the event that Motiva changes operating equipment, i.e., generic thermal desorption units, Motiva must re-institute processing and initiate testing required in conditions (1)(A) and (1)(C) for a minimum of four months. Motiva must report unit operating conditions and test data required in conditions (1)(A) and (1)(C), including quality control data, obtained during this period, no later than 60 days after the changes take place. Following written notification by the department, Motiva may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). Motiva must fulfill all other requirements in condition (1).

(4)(B). Batch Processing

Motiva may periodically elect to change operating conditions to accommodate batch processing of single-event waste generations. In the event that Motiva initiates batch processing and changes the operating

Table 1 - Wastes Excluded

conditions established under condition (1), Motiva must re-institute the testing required in conditions (1)(A) and (1)(C) during such batch processing events, monitor unit operating conditions, and perform testing required by conditions (1)(A) and (1)(C), as appropriate. Following the completion of batch processing operations, Motiva must return to the operating conditions applicable prior to initiation of the batch processing and may return to the testing conditions that were applicable prior to the initiation of the batch processing activities.

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), amended LR 30:

A public hearing will be held on September 24, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 North 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 Judith A. Schuerman, Ph.D., 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 HW086. Such comments must be received no later than October 1, 2004, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. This proposed regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

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 HW086.

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; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Hazardous Waste Delisting**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No implementation costs or savings to state or local governmental units will result from this proposed action. Nothing will be done differently. Current departmental policies are simply gaining regulatory status.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on revenue collections of state or local governmental units from the proposed action.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No persons or nongovernmental groups will be directly affected by the proposed action.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed action will have no impact on competition or employment.

Wilbert F. Jordan, Jr.
Assistant Secretary
0408#075

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Surface Water Quality Standards **C**Reclassification of New Iberia Southern Drainage Canal and Its Ancillary Waters (LAC 33:IX.1123.Table 3)(WQ056)

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 Water Quality regulations, LAC 33:IX.1123.Table 3 (Log #WQ056).

This Rule reclassifies the New Iberia Southern Drainage Canal and its ancillary waters, Rodere Canal, Port Canal, and Commercial Canal, (Subsegment 060904) as man-made water bodies in accordance with LAC 33:IX.1105 and 1109.C.2. Site-specific criteria have been developed for dissolved oxygen (DO) and bacteria (BAC) to support the reclassification. Revised designated uses are listed in LAC 33:IX.1123.Table 3. The appropriate dissolved oxygen

criteria for this subsegment are 3.0 mg/L November through April, and 2.0 mg/L May through October. General and numerical criteria not specifically excepted in LAC 33:IX.1123.Table 3 shall apply. This action is required to establish appropriate and protective criteria for Subsegment 060904. A site-specific Use Attainability Analysis (UAA) was conducted in accordance with state and federal water quality regulations, policies, and guidance to develop the appropriate uses and site-specific criteria for these water bodies.

UAAs are conducted by the department to determine the uses and criteria an individual water body can attain. According to the regulations, a UAA is defined as a structured scientific assessment of the factors (chemical, physical, biological, and economic) affecting the attainment of designated uses in a water body. (See 40 CFR 131.3(g) and LAC 33:IX.1105.) The UAA process is described in 40 CFR 131.10 and LAC 33:IX.1109.B.3. It entails the methodical collection of data that is then scientifically analyzed and summarized and used to establish site-specific uses and criteria. The basis and rationale for this Rule are to establish site-specific uses for Subsegment 060904 and site-specific criteria for dissolved oxygen (DO) and bacteria (BAC) supportive of the uses.

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 IX. Water Quality**

**Subpart 1. Water Pollution Control
Chapter 11. Surface Water Quality Standards
§1123. Numerical Criteria and Designated Uses**

A. - C.2. ...

3. Designated Uses. The following are the category definitions of designated uses that are used in Table 3 under the subheading "Designated Uses."

- A **C** Primary Contact Recreation
- B **C** Secondary Contact Recreation
- C **C** Fish and Wildlife Propagation
- L **L** Limited Aquatic Life and Wildlife Use
- D **D** Drinking Water Supply
- E **O** Oyster Propagation
- F **A** Agriculture
- G **O** Outstanding Natural Resource Waters

Numbers in brackets, e.g. [1], refer to endnotes listed at the end of the table.

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish and Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Criteria						
* * *									
[See Prior Text in 010101-050901]									
Vermillion-Teche River Basin (06)									
* * *									
[See Prior Text in 060101-060903]									
060904	New Iberia Southern Drainage Canal-Origin to Weeks Bay, including Rodere Canal, Commercial Canal, and Port Canal (Estuarine)	A B L [24]	N/A	N/A	[24]	6.5 - 9.0	[24]	35	N/A
* * *									
[See Prior Text in 060906-120806]									

ENDNOTES:

[1] - [23] ...

[24] Designated Man-Made Water Bodies; Seasonal DO Criteria: 3.0 mg/L November-April, 2.0 mg/L May-October; Rodere Canal and Commercial Canal have BAC 2; Port Canal and New Iberia Southern Drainage Canal have BAC 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), LR 30:

A public hearing will be held on September 24, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference 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 Judith A. Schuerman, Ph.D., 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 WQ056. Such comments must be received no later than October 1, 2004, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. This proposed regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

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 WQ056.

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; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Surface Water Quality
Standards and Reclassification of New Iberia Southern
Drainage Canal and Its Ancillary Waters**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No significant effect of this proposed Rule on state or local governmental expenditures is anticipated. However, discharges to the affected water body could benefit in the future by not needing to expend funds to protect for a more stringent use that was determined inappropriate by a use attainability analysis.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect on state or local governmental revenue collections is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No significant costs and/or economic benefits to directly affected persons or nongovernmental groups are anticipated. However, discharges to the affected water body could benefit in the future by not needing to expend funds to protect for a more stringent use that was determined inappropriate by a use attainability analysis.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition or employment is anticipated.

Wilbert F. Jordan, Jr.
Assistant Secretary
0408#073

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Underground Storage Tanks
(LAC 33:XI.103, 301, 303, 305, 501, 503, 505,
507, 509, 701, 703, 705, 707, 901, 903, 905,
907, 1301, 1303, 1307, 1311, and 1313)(UT011)

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 Underground Storage Tanks
regulations, LAC 33:XI.103, 301, 303, 305, 501, 503, 505,
507, 509, 701, 703, 705, 707, 901, 903, 905, 907, 1303,
1307, 1311, and 1313 (Log #UT011).

Amendments are being made to update the Underground
Storage Tank regulations to the standards that reflect the
current practice of management and operation of USTs.
Surveillance and enforcement staff are reporting
discrepancies in how owner/operators are interpreting the
regulations resulting in delays in detecting releases.
Clarifications are made to standards for release detection
methods, corrosion protection, permanent closure, and
temporary closure. External piping in contact with the
ground or water will be required to have cathodic protection.
Temporarily-closed new or upgraded tanks will be required
to have assessments performed after two years of temporary
closure to remain temporarily closed. The basis and rationale
for this Rule are to protect the environment and the safety of
human health.

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 XI. Underground Storage Tanks

Chapter 1. Program Applicability and Definitions

§103. Definitions

A. For all purposes of these rules and regulations, the
terms defined in this Section shall have the following
meanings, unless specifically defined otherwise in LAC
33:XI.1105 or 1303.

Best Available Technology (BAT) The most recent
industry codes and standards that will ensure that the UST
system operates properly through current and correct
installation, assessment (of tank integrity, repair, or closure),
corrosion protection, release detection, and corrective action
practices. These industry codes and standards shall be used
to comply with these regulations.

De Minimis Concentration The concentration of a
regulated substance below which no significant impact to
human health or the environment would result if a release
occurred, as determined by LAC 33:I.1307.

Owner

- a. The owner of a UST is, for purposes of these
regulations:
i. the current owner of the land under which the
tank is or was buried;
ii. any legal owner of the tank;
iii. any known operator of the tank;
iv. any lessee;
v. any lessor.

b. If one person defined as an owner complies, it
shall be deemed compliance by all persons defined as
owners.

Permanent Closure The process of removing and
disposing of a UST system no longer in service, including
the process of abandoning such a system in place through
the use of prescribed techniques for the purging of vapors
and the filling of the vessel with an inert material, the
process of properly labeling a tank, and the process of
collecting subsurface samples.

Registered Tank A UST for which an owner/operator
has filed the required UST registration forms (UST-REG-01
and 02) with the department and for which all fees have been
paid. Registration is deemed to have been made when the
forms and the fees have been received by the department.

Release Any spilling, leaking, emitting, discharging,
escaping, leaching, or disposing from a UST system.

Response Action Any technical services activity or
specialized services activity, including but not limited to,
assessment, planning, design, engineering, construction,
operation of a recovery system, or ancillary services, that is
carried out in response to any discharge or release or
threatened release of motor fuels into the groundwater,
surface waters, or subsurface soils.

Response Action Contractor A person who has been
approved by the department and is carrying out any response
action, excluding a person retained or hired by such person
to provide specialized services relating to a response action.
When emergency conditions exist as a result of a release
from a motor fuel underground storage tank, this term shall
include any person performing department-approved
emergency response actions during the first 72 hours
following the release.

Technical Services Activities performed by a response
action contractor, including but not limited to, oversight of
all assessment field activities; all reporting, planning, and
development of corrective action plans and designing of
remedial activities; performance of groundwater monitoring
and discharge monitoring; performance of operation and
maintenance of remedial systems; and oversight of
specialized services performed by a subcontractor.

Temporary Closure The temporary removal from
service of a UST.

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 26:2558 (November 2000), LR 27:520 (April 2001), LR 30:

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§301. Registration Requirements

A. Existing UST Systems

1. All owners of *existing UST systems* (as defined in LAC 33:XI.103) were required to register such systems by May 8, 1986, (USTs installed after that date were required to be registered within 30 days of bringing such tanks into use) on a form approved by the department. Tanks filled with a solid, inert material before January 1, 1974, are not required to be registered with the department.

A.2. – B.1.d. ...

2. All owners of new UST systems must ensure that the installer certifies on the registration form that the methods used to install the tanks and piping comply with the requirements of LAC 33:XI.303.A.4.a. Beginning January 20, 1992, registration forms shall include the name and department-issued certificate number of the individual exercising supervisory control over *installation-critical junctures* (as defined in LAC 33:XI.1303) of a UST system.

C. All UST Systems. Beginning on the effective date of these regulations, any person who sells a UST must notify the purchaser of that tank of the owner's registration obligations under this Section's requirements, specifically as follows.

1. Any person who sells a UST system shall so notify the Office of Environmental Services, Permits Division in writing within 30 days after the date of the transaction.

2. Any person who acquires a UST system shall submit to the Office of Environmental Services, Permits Division an amended registration form within 30 days after the date of acquisition.

3. A current copy of the registration form must be kept on-site or at the nearest staffed facility.

4. No owner or operator shall allow a regulated substance to be placed into a new UST system that has not been registered.

5. The current certificate of UST registration shall be made available at all times, in such a manner as to be visible to the person placing or dispensing a regulated substance into the UST.

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 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002); amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 30:

§303. Standards for UST Systems

A. Best Available Technology (BAT) shall be used to comply with this Section. A list of BATs for UST systems may be obtained at the department's website or at www.epa.gov/swerust1/cmplastc/standard.htm, or by contacting the Office of Environmental Services, Permits Division or the Office of Environmental Compliance, Enforcement or Surveillance Division. Anyone wishing to

employ a technology that is not included on the list may apply to the department to have the technology considered for BAT.

B. Standards for New UST Systems. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new UST systems must meet the requirements of this Subsection. No portion of a new UST system shall be installed within 50 feet of an active or abandoned water well unless the entire system meets the requirements of LAC 33:XI.703.C.2.

1. Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion in accordance with Subsection A of this Section and as described below:

a. the tank is constructed of fiberglass-reinforced plastic; or

NOTE: Repealed.

b. the tank is constructed of metal and cathodically protected in the following manner:

i. the tank is coated with a suitable dielectric material;

ii. field-installed cathodic protection systems are designed by a corrosion expert;

iii. impressed current systems are designed to allow determination of current operating status as required in LAC 33:XI.503.A.3; and

iv. cathodic protection systems are operated and maintained in accordance with LAC 33:XI.503 or according to guidelines established by the department; or

NOTE: Repealed.

c. the tank is constructed of a metal-fiberglass-reinforced-plastic composite; or

NOTE: Repealed.

d. the tank is constructed of metal without additional corrosion protection measures, provided that:

i. the tank is installed at a site that a corrosion expert determines will not be corrosive enough to cause the tank to have a release due to corrosion during its operating life; and

ii. owners and operators maintain records that demonstrate compliance with the requirements of Clause B.1.d.i of this Section for the remaining life of the tank; or

e. the tank construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the constructions listed in Subparagraphs B.1.a-d of this Section.

2. Piping. Piping that routinely contains regulated substances and is in contact with the ground or water must be properly designed, constructed, and protected from corrosion in accordance with Subsection A of this Section and as described below:

a. the piping is constructed of fiberglass-reinforced plastic; or

NOTE: Repealed.

b. the piping is constructed of metal and cathodically protected in the following manner:

i. the piping is coated with a suitable dielectric material;

- ii. field-installed cathodic protection systems are designed by a corrosion expert;
- iii. impressed current systems are designed to allow determination of current operating status as required in LAC 33:XI.503.A.3; and
- iv. cathodic protection systems are operated and maintained in accordance with LAC 33:XI.503 or guidelines established by the department; or

NOTE: Repealed.

c. the piping is constructed of metal without additional corrosion protection measures, provided that:

i. the piping is installed at a site that a corrosion expert determines is not corrosive enough to cause the piping to have a release due to corrosion during its operating life; and

ii. owners and operators maintain records that demonstrate compliance with the requirements of Clause B.2.c.i of this Section for the remaining life of the piping; or

NOTE: Repealed.

d. the piping construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in Subparagraphs B.2.a-c of this Section.

3. Spill and Overfill Prevention Equipment

a. Except as provided in Subparagraph B.3.b of this Section, to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use:

i. spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

ii. overfill prevention equipment that will:

(a). automatically shut off flow into the tank when the tank is no more than 95 percent full;

(b). alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

(c). restrict flow 30 minutes prior to overfilling, or alert the operator with a high-level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings on top of the tank are exposed to product because of overfilling.

b. Owners and operators are not required to use the spill and overfill prevention equipment specified in Subparagraph B.3.a of this Section if:

i. alternative equipment is used that the department determines is no less protective of human health and the environment than the equipment specified in Clause B.3.a.i or ii of this Section; or

ii. the UST system is filled by transfers of no more than 25 gallons at one time.

4. Installation Procedures

a. Installation. All tanks and piping must be installed in accordance with Subsection A of this Section and in accordance with the manufacturer's instructions.

NOTE: Repealed.

b. Certification of Installation and Verification of Installer Certification

i. From the date of promulgation of these regulations until January 20, 1992, owners and operators

must certify installations as follows. All owners and operators must ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with Subparagraph B.4.a of this Section by providing a certification of compliance on the UST registration form (UST-REG-02) in accordance with LAC 33:XI.301:

(a). the installer has been certified by the tank and piping manufacturers; or

(b). the installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or

(c). the installation has been inspected and approved by the department; or

(d). all work listed in the manufacturer's installation checklists has been completed; or

(e). the owner and operator have complied with another method for ensuring compliance with Subparagraph B.4.a of this Section that is determined by the department to be no less protective of human health and the environment.

ii. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *installation-critical junctures* (as defined in LAC 33:XI.1303) of a UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph B.4.a of this Section, all owners and operators must provide a certification of compliance on the UST Registration of Technical Requirements Form (UST-REG-02) within 60 days of the introduction of any regulated substance. Forms shall be filed with the Office of Environmental Services, Permits Division.

c. Notification of Installation. The owner and operator must notify the Office of Environmental Compliance, Surveillance Division in writing at least 30 days before beginning installation of a UST system by:

i. completing the Installation, Renovation and Upgrade Notification Form (UST-ENF-04);

ii. notifying the appropriate regional office of the Office of Environmental Compliance, Surveillance Division by mail or fax seven days prior to commencing the installation and before commencing any *installation-critical juncture* (as defined in LAC 33:XI.1303);

iii. including in the notification a statement of the number of active or abandoned water wells within 50 feet of the UST system and the type of system to be installed; and

iv. including in the notification the methods to be used to comply with LAC 33:XI.Chapter 7.

C. Upgrading Existing UST Systems to New System Standards

1. Not later than December 22, 1998, all existing UST systems must comply with one of the following sets of requirements:

a. new UST system performance standards under Subsection B of this Section; or

b. the upgrading requirements in Paragraphs C.3-6 of this Section.

2. After December 22, 1998, all existing UST systems not meeting the requirements of Paragraph C.1 of this Section must comply with closure requirements under LAC 33:XI.Chapter 9, including applicable requirements for corrective action under LAC 33:XI.715.

3. Tank Upgrading Requirements. Metal tanks must be upgraded in accordance with Subsection A of this Section and meet one of the following requirements.

a. Internal Lining. A tank may be upgraded by internal lining if:

i. the lining is installed in accordance with the requirements of LAC 33:XI.507; and

ii. within 10 years after lining, and every five years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

b. Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Clauses B.1.b.ii, iii, and iv of this Section, and the integrity of the tank is ensured using one of the following methods.

i. The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes before the cathodic protection system is installed.

ii. The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with LAC 33:XI.701.A.4-8.

iii. The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of LAC 33:XI.701.A.3. The first tightness test must be conducted before the cathodic protection system is installed. The second tightness test must be conducted between three and six months after the first operation of the cathodic protection system.

iv. The tank is assessed for corrosion holes by a method that is determined by the department to prevent releases in a manner that is no less protective of human health and the environment than the methods specified in Clauses C.3.b.i-iii of this Section.

v. All procedures used to upgrade existing UST systems by cathodic protection shall be conducted in accordance with applicable requirements of the Louisiana Department of Transportation and Development, or its successor agency.

c. Internal Lining Combined with Cathodic Protection. A tank may be upgraded by both internal lining and cathodic protection if:

i. the lining is installed in accordance with the requirements of LAC 33:XI.507; and

ii. the cathodic protection system meets the requirements of Clauses B.1.b.ii, iii, and iv of this Section.

NOTE: Repealed.

4. Piping Upgrading Requirements. Metal piping that routinely contains regulated substances and is in contact with the ground or water must be cathodically protected and must meet the requirements of Clauses B.2.b.ii, iii, and iv of this Section.

NOTE: Repealed.

5. Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with the requirements for spill and overfill prevention equipment for new UST systems specified in Paragraph B.3 of this Section.

6. Reporting Requirements

a. The owner and operator must notify the Office of Environmental Compliance, Surveillance Division in writing at least 30 days before beginning a UST system upgrade.

b. An amended registration form (UST-REG-02) must be submitted to the Office of Environmental Services, Permits Division within 30 days after the UST system is upgraded. The owner and operator must certify compliance with Subsection C of this Section on the amended registration form (UST-REG-02). Beginning January 20, 1992, the amended registration forms (UST-REG-01 and 02) shall include the name and department-issued certificate number of the individual exercising supervisory control over those steps in the upgrade that involve *repair-critical junctures* or *installation-critical junctures* (as defined in LAC 33:XI.1303) of a UST system.

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 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), LR 30:

§305. Interim Prohibitions for Deferred UST Systems

A. The requirements in this Section apply to all UST systems deferred under LAC 33:XI.101.C.

B. No person may install a UST system listed in LAC 33:XI.101.C for the purpose of storing regulated substances unless the UST system (whether of single- or double-wall construction) meets the following requirements.

1. The UST system will prevent releases due to corrosion or structural failure for the operational life of the UST system.

2. The UST system is cathodically protected against corrosion, is constructed of noncorrodible material or of metal clad with a noncorrodible material, or is designed in a manner to prevent the release or threatened release of any stored substance.

3. The UST system is constructed or lined with material that is compatible with the stored substance.

C. Notwithstanding Subsection B of this Section, a UST system without corrosion protection may be installed at a site that a corrosion expert determines is not corrosive enough to cause the UST system to have a release due to corrosion during its operating life. Owners and operators must maintain records that demonstrate compliance with the requirements of this Subsection for the remaining life of the tank.

D. Best Available Technology (BAT) shall be used to comply with this Section. A list of BATs for UST systems may be obtained at the department's website or at www.epa.gov/swrust1/cmplastic/standard.htm, or by contacting the Office of Environmental Services, Permits Division or the Office of Environmental Compliance, Enforcement or Surveillance Division. Anyone wishing to employ a technology that is not included on the list may apply to the department to have the technology considered for BAT.

NOTE: Repealed.

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 11:1139 (December 1985), amended LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 5. General Operating Requirements

§501. Spill and Overfill Control

A. Best Available Technology (BAT) shall be used to comply with this Chapter. A list of BATs for UST systems may be obtained at the department's website or at www.epa.gov/swrust1/cmplastc/standard.htm, or by contacting the Office of Environmental Services, Permits Division or the Office of Environmental Compliance, Enforcement or Surveillance Division. Anyone wishing to employ a technology that is not included on the list may apply to the department to have the technology considered for BAT.

B. Owners and operators must ensure that releases due to spilling or overfilling do not occur. Before a transfer is made, the owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank and that the transfer operation is monitored constantly to prevent overfilling and spilling. Spill and overfill controls shall be conducted in accordance with Subsection A of this Section.

NOTE: Repealed.

C. Owners and operators must report, investigate, and clean up any spills and overfills, in accordance with LAC 33:XI.713.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§503. Operation and Maintenance of Corrosion Protection

A. All owners and operators of metal UST systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances.

1. All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of external portions of the tank and piping that routinely contain regulated substances and are in contact with the ground or water.

2. All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements.

a. Frequency. All cathodic protection systems must be tested within six months after installation and at least every three years thereafter.

b. Inspection Criteria. The criteria used to determine whether cathodic protection is adequate as required by this Section must be in accordance with LAC 33:XI.501.A.

NOTE: Repealed.

3. UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure that the equipment is running properly.

B. For UST systems using cathodic protection, records of the operation of the cathodic protection must be

maintained (in accordance with LAC 33:XI.509) to demonstrate compliance with the performance standards in this Section. These records must provide the following:

1. the results of the last three years of inspections required in Paragraph A.3 of this Section; and

2. the results of testing from the last two inspections required in Paragraph A.2 of this Section.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§505. Compatibility

A. ...

NOTE: Repealed.

B. Owners and operators storing alcohol blends shall do so in accordance with LAC 33:XI.501.A.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§507. Repairs Allowed

A. Owners and operators of UST systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements.

1. Except in emergencies, the owner and operator shall notify the department's Office of Environmental Compliance, Surveillance Division in advance of the necessity for conducting a repair to a UST system.

2. Repairs to UST systems must be properly conducted in accordance with LAC 33:XI.501.A. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *repair-critical junctures* (as defined in LAC 33:XI.1303) is certified in accordance with LAC 33:XI.Chapter 13.

NOTE: Repealed.

3. Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with LAC 33:XI.501.A.

4. Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings must be repaired or replaced in accordance with the manufacturer's specifications.

5. Repaired tanks and piping must be tightness tested in accordance with LAC 33:XI.701.A.3 and B.2 within 30 days after the date that the repair is completed, except under the following circumstances:

a. the repaired tank is internally inspected in accordance with LAC 33:XI.501.A; or

b. the repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in LAC 33:XI.701.A.4-8; or

c. another test method is used that has been given prior approval by the department after it determined the method to be no less protective of human health and the environment than those listed above.

6. Within six months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with LAC 33:XI.503.A.2 and 3 to ensure that it is operating properly.

B. Owners and operators of UST systems must maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this Section.

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 30:

§509. Reporting and Recordkeeping

A. Reporting. Owners and operators must submit the following information to the department:

1. registration forms (UST-REG-01 and 02) for all UST systems (LAC 33:XI.301), including certification of installation and verification of installer certification for new UST systems, in accordance with LAC 33:XI.303.B.4.b;

2. - 5. ...

B. Recordkeeping. Owners and operators must maintain the following information:

1. a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (LAC 33:XI.303.B.1.d and B.2.c);

2. documentation of operation of corrosion protection equipment (LAC 33:XI.503.A.4);

3. documentation of UST system repairs (LAC 33:XI.507.A.7);

4. documentation of recent compliance with release detection requirements (LAC 33:XI.705);

5. copies of the most current registration forms (UST-REG-01 and 02) filed with the department;

6. documentation of the type and manufacturer of the tank, piping, leak detection equipment, and spill and overflow protection equipment; and

7. documentation of permanent closure, where applicable.

C. Availability and Maintenance of Records. Owners and operators must either keep the records required at the UST site and immediately available for the department's inspection, or keep them at a readily available alternative site and provide them to the department for inspection upon request.

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 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response

§701. Methods of Release Detection

A. - A.1.f. ...

g. Practices described in the American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," may be used, where

applicable, as guidance in meeting the requirements of Paragraph A.1 of this Section.

NOTE: Repealed.

2. - 5.c.ii. ...

iii. The slotted portion of the RDD must be designed to prevent migration of soils or the filter pack into the RDD and to allow entry of the regulated substance on the water table into the RDD under both high and low groundwater conditions.

5.c.iv. - 6. ...

a. For double-walled UST systems, the sampling or testing method must be capable of detecting a release through the inner wall in any portion of the tank that routinely contains product. The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.

NOTE: Repealed.

b. - c. ...

7. Statistical Inventory Reconciliation (SIR)

a. The SIR method used must analyze inventory control records in a manner that can detect a release of 0.2 gallons per hour from any portion of the UST system that routinely contains product with a probability of detection of at least 0.95 and a probability of false alarm of no greater than 0.05.

b. The UST system owner or operator must receive a monthly report from the SIR provider/vendor that actually performs the SIR analysis within 15 days following the last day of the calendar month for which the analysis was performed. The SIR analysis report must include, at a minimum:

i. the name of the SIR provider/vendor and the name and version of the SIR method used for analysis;

ii. the name of the company and individual who performed the analysis;

iii. the name and address of the facility at which the analysis was performed and a description of the UST system for which the analysis was performed;

iv. a quantitative statement, in gallons per hour, for each UST system monitored for the month analyzed, of the leak threshold, the minimum detectable leak rate, and the indicated leak rate; and

v. a quantitative statement of "pass," "fail," or "inconclusive" for each UST system monitored.

8. Other Methods. Any other type of release detection method, or combination of methods, can be used if it meets the following requirements.

a. The release detection method can detect a 0.2-gallon-per-hour leak rate or a release of 150 gallons within a month with a probability of detection of at least 0.95 and a probability of false alarm of no greater than 0.05.

b. The release-detection method has been approved by the Office of Environmental Compliance, Surveillance Division on the basis of a demonstration by the owner and operator that the method can detect a release as effectively as any of the methods allowed in Paragraphs A.3-8 of this Section. In comparing methods, the Office of Environmental Compliance, Surveillance Division shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator must comply with any

conditions imposed on its use by the Office of Environmental Compliance, Surveillance Division.

B. ...

1. Automatic Line Leak Detectors. Methods that alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or by triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10-pounds-per-square-inch line pressure within one hour. A test of the operation of the leak detector shall be conducted every 12 months in accordance with the manufacturer's requirements and also by simulating a release in order to determine if the system is fully operational.

2. ...

3. Applicable Tank Methods. Any of the methods in Paragraphs A.5-8 of this Section may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§703. Requirements for Use of Release Detection Methods

A. - B. ...

1. Tanks. Tanks must be monitored at least every 30 days for releases using one of the methods listed in LAC 33:XI.701.A.4-8, except for the following.

a. UST systems that meet the performance standards in LAC 33:XI.303.B or C, and the monthly inventory control requirements in LAC 33:XI.701.A.1 or 2, may use tank tightness testing (conducted in accordance with LAC 33:XI.701.A.3) at least every five years until December 22, 1998, or until 10 years after the tank is installed or upgraded under LAC 33:XI.303.C.3, whichever is later.

b. UST systems that do not meet the performance standards in LAC 33:XI.303.B or C may use monthly inventory controls (conducted in accordance with LAC 33:XI.701.A.1 or 2), and tank tightness testing every 12 months (conducted in accordance with LAC 33:XI.701.A.3) until December 22, 1998, when the tank must be upgraded under LAC 33:XI.303.C or permanently closed under LAC 33:XI.905.

1.c. - 2.a.i. ...

ii. have a line tightness test conducted every 12 months in accordance with LAC 33:XI.701.B.2, or have monthly monitoring conducted in accordance with LAC 33:XI.701.B.3.

2.b. - 2.b.iv. ...

v. a method is used that allows compliance with Clauses B.2.b.ii-iv of this Section to be readily determined and verified.

C. - C.2. ...

a. Secondary containment systems must be designed, constructed, and installed in accordance with LAC 33:V.4437 to:

i. - iii. ...

NOTE: Repealed.

b. - e.iii. ...

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:

§705. Release Detection Recordkeeping

A. All UST system owners and operators must maintain records in accordance with LAC 33:XI.509 demonstrating compliance with all applicable requirements of LAC 33:XI.701-703. These records must include the following.

1. All written performance claims pertaining to any release detection system used and documentation of the manner in which these claims have been justified or tested by the equipment manufacturer, installer, or third party independent testing laboratory must be maintained throughout the operational life of the release detection system.

2. The results of any sampling, testing, or monitoring must be maintained for at least three years, except that the results of tank tightness testing conducted in accordance with LAC 33:XI.701.A.3 must be retained until the next test is conducted.

3. Written documentation of all calibration, maintenance, and repair of release detection equipment used on-site must be maintained for at least three years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the manufacturer of the release detection equipment must be retained for five years from the date of installation.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§707. Reporting of Suspected Releases

A. All owners, operators, employees, agents, contractors, or assigns having knowledge of any of the conditions listed below shall notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923 within 24 hours after becoming aware of the occurrence or, if they have knowledge of an emergency condition, shall report it immediately in accordance with LAC 33:I.Chapter 39. Owners and operators of UST systems shall follow the procedures specified in LAC 33:XI.711 after discovery of any of the following conditions:

1. - 3.a....

b. in the case of inventory control, the following month of data does not continue to indicate a loss;

4. monitoring results from the SIR method allowed under LAC 33:XI.701.A.7 indicate:

a. a UST system analysis report result of "fail"; or

b. a UST system analysis result of "inconclusive" that has not been investigated and quantified as a "pass" in the form of a replacement UST system analysis report meeting the requirements of LAC 33:XI.701.A.7.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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:

Chapter 9. Out-of-Service UST Systems and Closure §901. Applicability to Previously Closed UST Systems

A. The owner and operator of a UST system permanently closed before July 20, 1990, must assess the excavation zone and close the UST system in accordance with this Chapter if directed to do so by the department. The department shall direct that such closure be undertaken if releases from the UST may, in the judgment of the department, pose a current or potential threat to human health and the environment.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§903. Temporary Closure

A. - B. ...

1. leave vent lines open and functioning;
2. cap and secure all other lines, pumps, manways, and ancillary equipment; and
3. submit a completed copy of the registration form UST-REG-01 to the Office of Environmental Services, Permits Division indicating the dates the UST system was temporarily closed.

C. When a UST system is temporarily closed for more than six months, owners and operators must permanently close the UST system if it does not meet either the performance standards in LAC 33:XI.303.B for new UST systems or the upgrading requirements in LAC 33:XI.303.C.3-6, except that the spill and overfill equipment requirements do not have to be met.

D. When a UST system is temporarily closed for more than 24 months, owners and operators shall complete a site assessment in accordance with LAC 33:XI.907. The results of the assessment and documentation of compliance with the temporary closure requirements in Subsection A of this Section must be submitted in duplicate to the Office of Environmental Compliance, Surveillance Division within 60 days following the end of the 24-month temporary closure period.

E. A tank tightness test in accordance with LAC 33:XI.701.A.3 must be conducted within five days after a UST system that has been temporarily closed for three months or more is brought back into service.

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§905. Permanent Closure and Changes-in-Service

A. At least 30 days before beginning either permanent closure or a change-in-service under Subsections B, C, and D of this Section, owners and operators must notify the Office of Environmental Compliance, Surveillance Division

of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action.

1. Notification shall be made by:

a. completing the notification form UST-SURV-01; and

b. notifying the appropriate regional office of the Office of Environmental Compliance, Surveillance Division by mail or fax seven days prior to implementing the removal or change.

2. Beginning January 20, 1992, all owners and operators must ensure that an individual exercising supervisory control over *closure-critical junctures* (as defined in LAC 33:XI.1303) is certified in accordance with LAC 33:XI.Chapter 13. The assessment of the excavation zone required under LAC 33:XI.907 must be performed after the department is notified but before the permanent closure or change-in-service is completed.

B. To permanently close a UST, owners and operators must empty and clean the tank and all associated piping by removing all liquids and accumulated sludges. All tanks taken out of service permanently must also be either removed from the ground or filled with an inert solid material.

C. Continued use of a UST system to store a nonregulated substance is considered a change-in-service. Before a change-in-service, owners and operators must empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with LAC 33:XI.907.

D. The following cleaning and closure procedures shall be used to comply with this Section:

1. American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks";

2. American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";

3. American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks" (may be used as guidance for compliance with this Section); and

4. The National Institute for Occupational Safety and Health, "Criteria for a Recommended Standard ... Working in Confined Space" (may be used as guidance for conducting safe closure procedures at some hazardous substance tanks).

NOTE: Repealed.

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), LR 30:

§907. Assessing the Site at Closure or Change-in-Service

A. Before permanent closure or a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site, utilizing the procedure approved by the department. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored

substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. Results of this assessment must be submitted in duplicate to the Office of Environmental Compliance, Surveillance Division within 60 days following permanent closure or change in service. The assessment results shall include a site diagram indicating locations where samples were collected and a written statement specifying which USTs have been closed.

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 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), LR 30:

Chapter 13. Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems

§1301. Applicability

A. The requirements of this Chapter apply to persons engaged in critical junctures of a UST system. Certification is not required for those persons engaged in the process of relining an underground storage tank through the application of such materials as epoxy resins, nor does it include the process of conducting a tightness test to establish the integrity of the tank, or installing or initial testing of UST system cathodic protection systems.

B. After January 20, 1992, no person shall conduct critical junctures of a UST system unless the person present at the site and exercising responsible supervisory control over the critical juncture is currently certified in accordance with this Chapter.

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 Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 30:

§1303. Definitions

A. The terms defined in this Section shall have the following meanings in this Chapter.

Closure-Critical Juncture Those steps in the UST system closure process that are crucial to the prevention or detection of releases from that system. These steps are:

a. - b. ...

Critical Junctures Those steps identified in installation-critical junctures, repair-critical junctures, or closure-critical junctures of UST systems, as defined in this Section.

Individual Certification Certification in either installation/repair or closure of a UST system.

Installation-Critical Juncture Those steps during the installation of a UST system that are crucial to the prevention or detection of releases from that system. These steps are:

a. - f. ...

Renewal Fee Biannual fee for installation/repair and/or closure certification.

Repair-Critical Juncture Those steps in the UST system repair or modification process that are crucial to the prevention of releases from that system. These include the following:

a. - e. ...

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 LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1307. Certification Examinations

A. ...

B. Source of Examination Questions. Questions used in the examination shall be derived from standards, instructions, and recommended practices as listed on the department's website. Additional questions may be derived from regulations adopted by the department and from state and federal laws pertaining to UST system installation, repair, or closure.

C. Administration of Examinations

1. Examinations shall be conducted by personnel of the department or persons designated by the department.

2. Beginning after July 20, 1991, the department or persons designated by the department shall conduct written examinations at such times and locations within the state as the department may designate in order to identify persons as being qualified to receive UST certification.

C.3. - E. ...

F. Revision, Security, and Administration of Certification Examinations. The department shall update examinations, preserve the security of examinations, and administer examinations.

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 LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1311. Denial of Issuance or Renewal of a Certificate or Revocation of a Certificate

A. Should an applicant be denied issuance or renewal of a UST certificate or should a person's certificate be revoked, the reason or reasons for such denial or revocation shall be set forth in writing to the person by the administrative authority.

B. Possible reasons for denial of issuance or renewal of a certificate or for revocation of a certificate include the following:

1. failure to achieve a passing grade on the written examination described in LAC 33:XI.1307;

2. failure to submit required documentation;

3. previous revocation of a certificate held by the applicant;

4. evidence of fraud or deceit with respect to documentation required by and submitted to the department;

5. failure to present the identification card upon request of a department representative at a UST system installation, repair, or closure;

6. willful violation of the laws and regulations of Louisiana regarding UST system installation, repair, or closure; or

7. any other cause that, in the opinion of the administrative authority, constitutes adequate grounds for denial or revocation of a certificate.

C. Appeal of Denial or Revocation. A person who has been denied issuance or renewal of a certificate or who has had a certificate revoked may appeal the action in accordance with R.S. 30:2024(A).

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 LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1313. UST Certification Board

A. Composition. The administrative authority shall appoint seven members of a body to be known as the UST Certification Board. Members of the board shall be as follows:

1. the administrative authority or his or her designee;
2. a representative of the Louisiana Oil Marketers' Association;
3. a representative of the Mid-Continent Oil and Gas Association;
4. two representatives from within the UST contractor community; and
5. two representative from the Louisiana Association of Petroleum Equipment Contractors.

B. - F. ...

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 LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

A public hearing will be held on September 24, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 North 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 Judith A. Schuerman, Ph.D., 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 UT011. Such comments must be received no later than October 1, 2004, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. This proposed regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>. 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 UT011.

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; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Underground Storage Tanks

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Local governments that own or operate USTs may see a slight increase in management and operating costs due to additional corrosion protection requirements or performing assessments on temporarily-closed new/upgraded tanks. External piping in contact with the ground or water will be required to have cathodic protection. Temporarily-closed new or upgraded tanks will be required to have assessments performed after two years of temporary closure to remain temporarily closed.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no changes in revenues anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

UST owners and operators will be affected by slight increases in management and operating costs. Corrosion engineers and UST consultants may see increases in income that will be temporary.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment should occur in the public or private sector.

Wilbert F. Jordan, Jr.
Assistant Secretary
0408#074

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Examiners for New Orleans and Baton Rouge Steamship Pilots

General Provisions; Qualifications and Examination;
Standards of Conduct; Investigations and Enforcement
(LAC 46:LXX.Chapters 61, 64, 66, and 67)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots for the Mississippi River (hereinafter "board") hereby gives notice that it intends to adopt Rules and Regulations. Chapter 61 regarding the general operation of the board of examiners is intended to replace the former Chapter 61,

which was entitled New Orleans and Baton Rouge Port Pilots. Chapter 64 pertains to the general qualifications necessary to become an apprentice candidate and the examination of pilots. Chapter 66 outlines standards of conduct, standards of proper and safe pilotage, standards of competency and recency of service, along with continuing education requirements. Chapter 67 establishes procedures for the investigation and enforcement of board Rules, together with penalties associated therewith.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXX. Pilots

Subpart 7. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots

Chapter 61. General Provisions

§6101. Authority

A. As mandated by R.S. 34:1041, these Rules and Regulations are issued by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., for the purpose of adopting Rules, regulations and requirements regarding the general operation of the board of examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6103. Definitions

Association or Pilot Association The New Orleans-Baton Rouge Steamship Pilots Association.

Board of Examiners or Board The Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, as designated in R.S. 34:1042.

Examiner(s) Those individuals appointed, as per law, to be members of the Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots.

Pilot(s) New Orleans and Baton Rouge Steamship Pilot(s), as designated in R.S. 34:1043.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6104. Appointment

A. When there is a need for new examiners, the board of examiners shall make recommendations to the governor for replacement(s) to fill any vacancies.

B. When this need arises, the board of examiners shall take into consideration the following in making their recommendations:

1. ability to serve;
2. qualification;
3. length of service as a commissioned pilot.

C. Examiners in the performance of their statutory duties have the exclusive and complete authority to determine their work schedule. Further, Examiners shall not suffer any loss of benefits or compensation while they are performing their duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6105. Expenses

A. All ordinary and necessary operating and administrative costs and expenses of the board of examiners, including, but not limited to, the cost of administrative offices, furniture and fixtures, communications, transportation, office supplies and equipment, publications, travel, examiners' reimbursement, attorney fees, expert fees, costs, expenses of litigation or any other expenses whatsoever incurred by the commission while performing its duties shall be provided by the pilots and paid through their pilot association.

B. The examiners shall maintain an office and conduct business as is necessary to fulfill its legislative mandate and/or as may be required by the rules herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6106. Rules, Records, Meetings, Application

A. All board rules must be adopted by a majority of the Examiners. The board of examiners shall maintain records in accordance with R.S. 44:1 et seq., and all other state laws. The board of examiners shall file an annual report of investigations, findings, actions and accident data in accordance with state laws. The board of examiners shall conduct its meeting in accordance with R.S. 42:4.1 et seq., and any other state laws.

B. The examiners shall hold quarterly meetings on the call of the president. The president has the prerogative of calling additional meetings as needed to conduct business upon giving proper notice, as required by law.

C. These Rules shall apply to all New Orleans and Baton Rouge steamship pilots engaged in their calling within the operating territory defined in R.S. 34:1043.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6107. Association of Pilots

A. The pilots may form themselves into an association or associations, as they see fit, not in conflict with the rules and regulations of the board of examiners.

B. The formation of any association incorporated or non-incorporated which is for the purpose of providing pilotage service under the law, including but not limited to R.S. 34:1047, must be submitted to the commission for approval. Such applications must meet all legal requirements, provide for a stable pilotage system, serve the best interest of the majority of pilots and protect the life and property of the region.

C. The board of examiners hereby recognizes the fact that the New Orleans and Baton Rouge steamship pilots have formed themselves into a legal registered corporation known as the New Orleans and Baton Rouge Steamship Pilots Association; further, let it be recognized by the board of examiners that the said pilot association has operated, and is now operating, within all state laws and is not known to be

in conflict with the Rules and Regulations of the board of examiners.

D. No pilot association, incorporated or non-incorporated, has any authority to impose or legislate any Rules, bylaws or charter provisions affecting the board of examiners; further, any attempt to exercise any authority over or affecting the board of examiners is a violation of these Rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6108. Severability

A. It is understood that any provision and/or requirement herein that is deemed invalid or unenforceable, for any reason whatsoever, may be severed from the whole and that the remaining provisions and/or requirements shall be deemed valid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

Chapter 64. Qualifications and Examination of Pilots

§6401. Statement of Purpose

A. The purposes of these Rules and Regulations is to establish standards for recommendation by the Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots to the governor of the state of Louisiana for appointment as a New Orleans-Baton Rouge steamship pilot, pursuant to R.S. 34:1043.

B. The Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots is charged by the Louisiana Legislature with the responsibility of promoting and maintaining safety of maritime commerce along the Mississippi River. To this end, the board of examiners has set the requisite qualifications to become a NOBRA pilot at a high level, in order to attract applicants who have earned, among other qualifications, a maritime degree. The maritime related degree is of special importance to the pilot in that it imparts necessary knowledge in this highly specialized field and is a required supplement for the non-maritime related bachelor's degree. It is the opinion of the board that this combination of education, licensing and experience will foster the type of conscientious pilots who will conduct themselves in a professional manner and continue the excellent tradition of safety set by NORA pilots.

§6403. Authority

A. As mandated by R.S. 34:1041, these Rules and Regulations are issued by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., for the purpose of adopting Rules, regulations and requirements regarding the general qualifications and examination of pilots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6407. Definitions

A. As used in this Chapter, the following terms, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings:

Accredited Institution of Higher Learning Can institution that is accredited by the Commission of Colleges of the Southern Association of Colleges and Schools, the Louisiana Community and Technical College System, or is part of the Louisiana State University System or one whose credits are honored by any of these systems.

Administrative Procedure Act (APA) The Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

Applicant/Candidate Any person who has submitted an application for a pilot commission as a New Orleans - Baton Rouge Steamship Pilot.

Application The written application supplied by the board of examiners to an applicant who desires to become a state commissioned New Orleans - Baton Rouge Steamship Pilot, along with all supporting documentation.

Apprentice Any person duly elected by the members of the NOBRA Association, but not yet commissioned, who is serving in an orientation program, as directed by the board of examiners.

Apprenticeship Program A period of orientation performed by an apprentice and/or restricted pilot, in order to become an unrestricted pilot, as set forth by the board of examiners.

Association or NOBRA New Orleans-Baton Rouge Steamship Pilot Association.

Board of Examiners or Board The Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, as established in R.S. 34:1041 et seq.

Experience on a License Experience on a vessel of at least 50 gross tons with any USCG Merchant Marine Deck Officer license of 1600 Ton Master of Inland or Rivers, First Class pilot license or equivalent, where performance of duties encumbers the license. One year experience is calculated as being at least 150 days of service on vessels underway in a 365-day period.

Gender The terms "his" and "her" are to be used interchangeably, as are any references to that which may be masculine or feminine.

Maritime Studies Can accredited course of study resulting in a degree offered by certain Colleges in the Louisiana State University and Community and Technical College Systems, which includes nautical science, marine operations or other similar courses of study involving marine navigation. A comparable degree from an accredited institution of higher learning is also acceptable.

NOBRA Pilot or Pilot A state commissioned New Orleans-Baton Rouge Steamship pilot, as designated in R.S. 34:1041, et seq.

Restricted Pilot A state commissioned pilot who is subject to restricted service, under the supervision of the board of examiners.

Restricted Service A period of time set by the board of examiners during which a restricted pilot performs limited job assignments and fulfills other requirements, as enumerated by the board, until such time as the restricted pilot has exhibited sufficient knowledge and expertise.

Unrestricted Pilot A state commissioned pilot who has successfully completed the apprenticeship program and restricted period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6409. Application

A. Any person wishing to submit an application to become an apprentice candidate may obtain an application from the office of the board of examiners, said person may request an application by mail or may download an application from the board of examiners' website. The board of examiners; current address is:

Board of Examiners for New Orleans and Baton Rouge
Steamship Pilots
3900 River Road, Suite 5
Jefferson, Louisiana 70121
(504) 832-8943
www.nobraexaminers.louisiana.gov

B. All applications must be in writing, must be signed by the applicant and presented to a member of the board of examiners. All persons wishing to submit an application may make an appointment with an examiner by calling the board's office. All applications must be accompanied by satisfactory evidence of compliance with the board's requirements. Upon submission of an application, all applicants will receive a stamped copy of their application indicating the date of submission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6411. General Requirements

A. Applicant must be of good moral character. In addition, all applicants will be required to submit to a criminal background check conducted at the Louisiana State Police headquarters.

B. Applicant must have been a registered voter of the State of Louisiana for at least one year prior to submitting an application to become an apprentice candidate.

C. All applicants must submit proof of a current satisfactory United States Coast Guard approved physical.

D. Applicant must submit evidence of satisfactory completion from United States Coast Guard approved training programs for the following courses of instruction within five years prior to a NORA apprentice election:

1. Bridge Resource Management;
2. Basic Ship Handling (5 day);
3. Radar Observer;
4. Advanced firefighting;
5. CPR, as approved by the American Red Cross

E. All applicants must submit certification that they have passed a DOT approved drug screen test within six months prior to a NORA apprentice election. An applicant may satisfy this requirement by submission of proof that the applicant is currently employed by an employer who administers a DOT approved random drug testing program and that applicant is subject to random testing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6413. Licenses/Education/Experience

A. In addition to the above, all applicants must submit proof of satisfaction of the following licensing, education and experience criteria.

1. All applicants must hold at least a current First Class Pilots License, Any Gross Tons, Upon the Lower Mississippi River Between Mile 88.0 AHP and Mile 234.0 AHP, including physical, and, at least, either a Master of Inland Steam or Motor Vessel of not more than 1600 Gross Tons or Master of Rivers Steam or Motor Vessel of not more than 1600 Gross Tons or a Third Mate Oceans any Gross Tons license.

2. Additionally, all Applicants must hold a degree from an accredited institution of higher learning, as well as maritime experience and current, valid licenses as follows:

a. A graduate of a maritime academy and at least a Third Mate Oceans any Gross Tons license with three years experience on a license or a Second Mate Oceans any Gross Tons license with one year experience on a license or a Chief Mate or Master Oceans any Gross Tons license; or

b. A bachelors degree in maritime studies or a related maritime field and at least a Master of Inland Steam or Motor Vessel of not more than 1600 Gross Tons or Master of Rivers Steam or Motor Vessel of not more than 1600 Gross Tons with 3 years experience on a license or a Third Mate Oceans any Gross Tons license with 3 years experience on a license or a Second Mate Oceans any Gross Tons license with 1 year experience on a license or a Chief Mate or Master Oceans any Gross Tons license; or

c. A bachelors degree in a non-maritime field and 15 credit hours of additional accredited maritime courses and at least a Master of Inland Steam or Motor Vessel of not more than 1600 Gross Tons or Master of Rivers Steam or Motor Vessel of not more than 1600 Gross Tons with 2 years experience on a license; or

d. An associate degree in maritime studies or a related maritime field and at least a Master of Inland Steam or Motor Vessel of not more than 1600 Gross Tons or Master of Rivers Steam or Motor Vessel of not more than 1600 Gross Tons with 6 years experience on a license.

4. Effective January 1, 2014, all applicants must hold a minimum of a bachelor degree in maritime studies or a bachelor degree in a non-maritime field as well as an associate degree in maritime studies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6415. Application Screening

A. At least 120 days prior to an apprentice election, NOBRA must inform the board of examiners, in writing, that an election will be held and the date of the election.

B. At least 100 days prior to the NORA apprentice election, the board of examiners will advertise the date of the NORA apprentice election, as well as the deadline for submission of application materials, in at least 2 periodicals, one of which shall have a circulation of the greater New Orleans area and one of which shall have a circulation of the greater Baton Rouge area. The advertisements shall run for

at least 10 days during a 3-week period. In addition, all relevant dates will be posted on the board of examiners website.

C. At least 75 days prior to the NOBRA apprentice election, the board of examiners will give notice, via U.S. Mail, to all applicants of the date of the election and the deadline for submitting documentation in support of their application. Further, this notice will also contain a list of any deficiencies in the applicant's application.

D. The deadline for submitting an application, and supporting documentation, for a particular NOBRA apprentice election shall be 45 days prior to the NOBRA apprentice election.

E. At least 30 days prior to the NOBRA apprentice election, the board of examiners will forward to NOBRA the applications, and supporting documentation, of all applicants who meet the criteria for election, as enumerated in the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6416. Expiration

A. Following a NORA Apprentice election, all applications on file with the board of examiners will be deemed expired and will be discarded. Any person wishing to apply for a subsequent NORA apprentice election will be required to submit a new application, along with supporting documentation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6417. Apprenticeship

A. All apprentices must successfully complete an apprenticeship program designed and administered by the board of examiners. The apprenticeship shall be over the NOBRA route and last for a period of not less than three years. This apprentice program shall include the following:

1. not less than one year of orientation, prior to commissioning, during which the apprentice accompanies state commissioned pilots on their duties;

2. not less than two years of restrictive service, following commissioning, during which the restricted pilot shall be observed, from time to time by unrestricted pilots;

3. advanced qualification testing;

4. any necessary license preparation and upgrades;

5. any other industry related professional development that the board of examiners may deem relevant and necessary.

B. The orientation period may be extended up to one additional year as determined by the board of examiners. If, after the one year extension period, the apprentice fails to meet the criteria and standards set by the board, said apprentice shall be released from the apprenticeship program and will not be recommended to the governor for commissioning as a pilot. Grounds for release from the apprenticeship program include, but are not limited to:

1. recklessness and/or display of lack of judgment;

2. disregard of state rules, laws, and regulations;

3. disregard of United States Coast Guard rules and regulations;

4. lack of fitness for the position and job of pilot;

5. lack of moral integrity, veracity, ability or capability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6419. Examination by the Board of Examiners; Recommendation to Governor

A. In addition to the above requirement, in order to be recommended to the governor for commissioning as a pilot, all apprentices must complete an oral and/or written examination to be conducted by the board of examiners. This examination shall test the apprentice's knowledge of pilotage and demonstrate the apprentice's proficiency and capability to serve as a commissioned pilot.

B. The board of examiners shall certify to the governor for his/her consideration for commissioning as a NOBRA pilot those apprentices who satisfactorily complete all requirements established by state law and these rules and who complete and pass the examination(s) given by the board of examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6420. Restrictive Service Period

A. The restrictive service period shall be at least two years in duration, during which the restricted pilot will only be assigned to vessels of limited size and draft, to be set and determined by the board of examiners. After each eight-month period, the restricted pilot may graduate to piloting larger size and draft vessels, all to be determined by the board of examiners.

B. The restrictive service period may be extended up to one additional year as determined by the board of examiners. If, after the one year extension period, the restricted pilot fails to meet the criteria and standards set by the board, said restricted pilot shall be released from the apprenticeship program and a recommendation will be made to the governor to have the restricted pilot's state commission revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

Chapter 66. Standards of Conduct

§6601. Purpose/Statement of Policy

A. Due to the safety sensitive nature of the duties performed by NOBRA pilots, this board has always had a strong commitment to the general public and maritime industry, including but not limited to apprentices, candidates and the pilot members of NOBRA, to provide a safe work place and to establish programs promoting the highest standards of pilot health, safety and welfare. In accordance with state law, and in order to further enhance the safety and well being of the citizens of Louisiana, as well as to prevent any imminent peril to public health, safety, and welfare, and

to achieve and maintain reliable, safe and efficient pilotage services, the board proposes to adopt the following rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6603. Application

A. The board hereby adopts the following Rules and Regulations relating to all applicants, apprentices, and state commissioned NOBRA pilots, pursuant to the provisions of R.S. 34:1041 et seq. These Rules and Regulations are not intended to replace those Rules and Regulations in existence. Current Rules and Regulations are not superceded nor replaced. Where applicable, what follows is intended only to enhance and/or clarify existing Rules and Regulations. Where applicable, any conflict is to be construed and resolved in the stricter sense. To that end, all current Rules and Regulations are adopted and incorporated herein in extenso.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6607. Authority

A. As mandated by R.S. 34:1041, these Rules and regulations are promulgated by the board of examiners for New Orleans and Baton Rouge Steamship Pilots, in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., for the purpose of adopting Rules, Regulations and requirements for pilot oversight for NOBRA pilots, apprentices and candidates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6609. Definitions

A. As used in this Chapter, the following terms, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Administrative Procedure Act (APA) The Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

Applicant/Candidate Any person who has submitted an application for a pilot commission as a New Orleans-Baton Rouge Steamship Pilot.

Application The written application supplied by the board of examiners to an applicant who desires to become a state commissioned New Orleans-Baton Rouge Steamship Pilot, along with all supporting documentation.

Apprentice Any person duly elected by the members of the NOBRA Association, but not yet commissioned, who is serving in an orientation program, as directed by the board of examiners.

Association or NOBRA New Orleans-Baton Rouge Steamship Pilot Association.

Board of Examiners or Board The Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, as established in R.S. 34:1041 et seq.

Gender The terms "his" and "her" are to be used interchangeably, as are any references to that which may be masculine or feminine.

NOBRA Pilot or Pilot A New Orleans-Baton Rouge Steamship pilot, as designated in R.S. 34:1041 et seq.

Services of a Pilot Any advice or assistance with respect to pilotage by the commissioned pilot, including but not limited to advice concerning weather, channel conditions, or other navigational conditions.

Turn The overall time-period necessary to complete the designated scope of work to be performed, including but not limited to a vessel, drug testing, continuing education or at the VTC.

VTC Vessel Traffic Center, or any other similarly related United States Coast Guard or governmental facility, institution, or program whatsoever.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6611. Severability

A. If any provision of these Rules and Regulations is held to be invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end, provisions of these Rules and Regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6615. Violations of the Policy

A. This board may take such action as is necessary for any violation of its policies, Rules and Regulations by any pilot, apprentice, or candidate or the board may refer such person to the Office of the Governor, if required by law, for reprimand, fine, suspension and/or pilot commission revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6617. Standards of Conduct for Proper and Safe Pilotage

A. This board shall be vested with the power and authority to take action as to all rights and privileges of river pilotage as to any NOBRA Pilot, apprentice, and/or candidate for the violation of the board's Rules and Regulations.

B. This board shall be vested with the power and authority to recommend to the Office of the Governor of Louisiana revocation and/or suspension of all rights and privileges of river pilotage as to a NOBRA pilot, apprentice, and/or candidate for the following non-exclusive list of particulars:

1. failure to pass any examination given by the board of examiners;

2. failure to maintain, in good, valid and current standing, any and all maritime licenses and certificates necessary to pilot vessels as a NOBRA pilot, including but not limited to a U.S. Coast Guard First Class Pilot License of any gross tons between mile 88 AHP and mile 234 AHP;

3. conviction of any felony from any jurisdiction whatsoever;

4. denial, revocation or suspension of a pilot and/or maritime license and/or pilot commission by any local, state, or federal entity or jurisdiction whatsoever;

5. neglect of duty;

6. neglect of duty while performing services at VTC (Vessel Traffic Center) or other similar governmental facility;

7. conduct unbecoming a pilot while on-duty;

8. failure to remain a qualified and registered voter of the state of Louisiana;

9. not successfully passing any physical examination as mandated by the U.S. Coast Guard;

10. any violation of the board's drug and alcohol Rules and Regulations;

11. refusal to submit to any and all scientific testing for drugs or alcohol ordered by the association and/or board as promulgated by the board's rules and regulations;

12. failure to successfully complete continuing professional education requirements;

13. any violation of these Rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6623. Absolute Insurer

A. A pilot is the absolute insurer of his or her own competency, state of mind, physical abilities, and overall well-being.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6625. Adoption of Navigational Rules

A. The board shall use a standard of navigation which adheres to common, local practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6627. Duty of a Pilot

A. A NOBRA pilot shall remain on duty until properly relieved and/or has completed one's pilot assignment and/or is released by the ship master or his representative/agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6629. Pilot's Duty to Remain on Duty at the Vessel Traffic Center (VTC)

A. A NOBRA pilot shall remain on site and on duty at VTC (or similar facility) until properly relieved and/or released by the VTC watch supervisor or representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6635. Pilot's Duty to Exhibit Identification

A. Whoever offers to pilot a ship or other vessel shall, if requested, exhibit to the commander thereof his identification card as a NOBRA pilot, attested to by the chairman of the board of examiners; and if he refuses or neglects to do so, he shall not be entitled to any remuneration for any service he may render to that vessel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6647. Recency Requirement

A. If an otherwise state-commissioned NOBRA pilot does not pilot or has not piloted a vessel or ship, as assigned by the NOBRA Pilot Association during the normal course of dispatching of pilotage services, on a turn for a distance of at least 20 miles, during any period of 6 consecutive months, then before that pilot is eligible and authorized to pilot any such vessel along the NOBRA route, said pilot shall be required to successfully complete, to the exclusive and unilateral satisfaction of the Board, each of the following non-exclusive list of particulars:

1. A minimum of 5 trips or turns along the NOBRA route, with a commissioned NOBRA pilot, from the general area of the Baton Rouge harbor to General Anchorage:

a. these 5 trips, combined, shall cover the entire area between Baton Rouge Harbor and General Anchorage. One trip shall be northbound. One trip shall be southbound;

b. two (2) trips of these five (5) trips shall be during the hours of darkness.

B. Where there has been no pilotage in excess of seven months, a NOBRA pilot shall be subject to and shall be required to successfully complete, to the exclusive and unilateral satisfaction of the board, a specially designed and planned program to reasonably re-orient such pilot to Mississippi River pilotage, under the jurisdiction and supervision of this board.

C. These Sections shall not apply to any assignment or turn at the VTC (Vessel Traffic Center) and shall be excluded from these Rules. Work performed at VTC shall not be considered as a turn or assignment for these purposes only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6649. Re-Orientation Period

A. Upon commencement of the above re-orientation period, any pilot subject to these minimum requirements shall successfully complete all 5 trips and turns within 30 consecutive days. For good reason shown, and upon timely application, in writing by the pilot, additional time to complete these trips or turns may be granted by the board. The board shall have the exclusive and unilateral discretion to grant or deny any extension of time.

B. The board of examiners reserves the right to require a pilot to successfully pass a U.S. Coast Guard physical prior to returning to duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6651. Continuing Professional Education

A.1. Every pilot seeking to maintain a pilot's commission must successfully complete the following required courses every five years:

- a. an approved Bridge Resource Management course for pilots;
- b. an approved Emergency Ship Handling course for pilots;
- c. a marine technical course, which includes Vessel Traffic Service training.

2. In addition, every pilot must annually and successfully complete 24 hours of professional development courses approved by the board of examiners. The board may, from time to time, adjust these requirements in order to maintain the highest level of professional competency and pilot safety.

B. All professional education classes and programs shall be approved by the board of examiners. The board of examiners will maintain a non-exclusive list of approved professional education classes and programs, which may be periodically updated.

C. Any pilot who fails to successfully complete the required professional education classes or programs will be removed from duty until the pilot complies with the requirements of this section.

D. It is the responsibility of the pilot to attend the necessary professional education classes and to present the board with proof of satisfactory completion.

E. The board may, for good cause shown, grant a waiver or extend the time for a pilot to complete the continuing professional education requirement, upon timely application, in writing, by the pilot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

Chapter 67. Investigations and Enforcement

§6701. Purpose/Statement of Policy

A. Due to the safety sensitive nature of the duties performed by NOBRA pilots, this board has always had a strong commitment to provide a safe work place and to establish programs promoting the highest standards of pilot health, safety and welfare. In accordance with state law and in order to further enhance the safety and well being of the citizens of Louisiana, as well as to prevent any imminent peril to public health, safety, and welfare, and to achieve and maintain reliable, safe and efficient pilotage services, the board will maintain and enforce a strict policy of conducting full and complete investigations, and possible subsequent referrals to the Office of the Governor, of any and all violations of board Rules and state and/or federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6703. Authority

A. As mandated by R.S. 34:1041, these Rules and Regulations are issued by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots in accordance with the Administrative Procedure Act under R.S. 49:950 et seq., for the purpose of adopting Rules, Regulations and requirements for pilot oversight for NOBRA pilots, apprentices and candidates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6705. Severability

A. If any provision of these Rules and Regulations is held to be invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end, provisions of these rules and regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6707. Duty to Report

A. In any case, where a vessel under pilotage shall go aground, or shall collide with any other object, or shall meet with any casualty, or be injured or damaged in any way, the board of examiners shall conduct an appropriate investigation, as per these Rules. Following such an incident, the pilot shall report the matter as follows:

1. report the casualty by whatever means available to the board of examiners as soon as practical;
2. be available for interview by the board and furnish complete details of the casualty;
3. make a written report to the board of examiners as soon as practical, but no later than 30 days following the incident.

B. Any pilot who neglects or refuses to make a written report to the board as required by these Rules, shall be reported to the governor for possible disciplinary action.

C. Any pilot requested or summoned to testify before the board of examiners shall appear in accordance with said request or summons and shall answer any questions put to him/her related to or in any way connected with the pilot's service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6709. Removal from Duty

A. When any Examiner has reason to believe that the conduct or actions of a pilot is creating a dangerous or unsafe condition that may jeopardize the interests, safety, health or welfare of fellow pilots, vessels, cargo, property or individuals, the Examiner may immediately relieve that pilot from pilotage duty, without the necessity of formal notice and hearing, in order to protect the interests of the State of Louisiana. However, at the earliest possible time, the board of examiners must conduct an investigation of the pilot's conduct, as per these Rules, and conduct any necessary hearings in order to protect the due process and equal

protection requirements afforded the pilot by the Louisiana and United States constitutions.

B. When any examiner has reason to believe that a pilot is or may be under the influence of alcohol, drugs or any other stimulant or depressant that may effect the pilot's ability to perform his/her duties, the examiner may immediately relieve that pilot from pilotage duty, without the necessity of formal notice and hearing, in order to protect the interests of the state of Louisiana. However, at the earliest possible time, the board of examiners must conduct an investigation of the pilot's conduct, as per these Rules, and conduct any necessary hearings in order to protect the due process and equal protection requirements afforded the pilot by the Louisiana and United States constitutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6711. Investigations and Enforcement

A. All complaints reported to the board shall be in writing and will be considered for investigation. A complaint, under the provisions hereinafter, is defined as:

1. any complaint involving a pilot commissioned as per law; and/or
2. any other event involving a pilot commissioned herein, that, in the discretion of the board, justifies further investigation.

B. The board shall appoint an investigating officer to conduct a preliminary investigation of the complaint and report their findings to the board. In no event shall the investigating officer be an active member of the board.

C. Following the preliminary investigation, the investigating officer shall make a report to the board, who, in its exclusive discretion, shall determine whether the complaint is sufficient to justify further proceedings or may dismiss the complaint.

D. If after the preliminary investigation, the board is of the opinion that the complaint is sufficient to justify a full investigation, the board shall, if so required by law, notify the Office of the Governor and request authority from the governor to conduct a full investigation and/or administrative hearing regarding the complaint. Following receipt of authority from the governor, if so required by law, the board shall authorize its investigating officer to conduct a full investigation of the complaint.

E. Following the full investigation, the investigating officer shall make a report to the board, who, in its exclusive discretion, shall determine whether the complaint is sufficient to justify further proceedings or may dismiss the complaint.

F. Following the full investigation, if the board is of the opinion that an administrative hearing is required, the board shall give notice to the pilot, by registered mail or personal service, of the complaint or allegations made against him/her and offer the pilot an opportunity to show compliance with the laws or regulations allegedly violated. Said notice shall be issued pursuant to R.S. 49:955(B) and shall include:

1. a statement of the time, place, and nature of the hearing;
2. a statement of the legal authority and jurisdiction under which the hearing is being held;

3. a reference to the particular sections of the statutes and rules involved;

4. a short and plain statement of the matters asserted.

G. The board may make informal disposition of any investigation or adjudication/hearing by means of stipulation, agreed settlement, consent order or default. If required by law, approval of such informal disposition must be sought from the Office of the Governor before the informal disposition may be deemed final.

H. Any matter set for hearing shall be prosecuted by a prosecutor appointed by the board. The prosecutor may, in the discretion of the board, be the same party who acted as investigating officer. In no event shall the prosecutor be an active member of the board. The prosecutor may conduct further investigation and shall prepare and present the matter to the board in such manner as he/she may deem appropriate.

I. Any pilot may be represented in any adjudication/hearing before the board by an attorney at law duly admitted to practice in the state of Louisiana. Following receipt of proper notice of such representation, all further notices, subpoenas or other processes related to the proceedings shall be served on the pilot through his/her designated counsel of record.

J. Any pre-hearing motion shall be referred for decision to the board, who in its discretion, may rule on the motion prior to the hearing date or may defer the matter until the hearing date.

K. All investigations and hearings undertaken as authorized herein above, shall be conducted pursuant to the Administrative Procedure Act, R.S. 49:950 et seq. If any specific provision of this section in any way conflicts with the more general rule of the Administrative Procedure Act, the more specific rule of this section shall govern.

L. Any pre-hearing motion shall be considered by the entire board.

M. Upon request of any party and upon compliance with the requirements of this Section, any board member shall sign and issue subpoenas in the name of the board requiring the attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence at an adjudication hearing.

N. No subpoena shall be issued unless and until the party who wishes to subpoena the witness first deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before the board only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examination, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witnesses as may be fixed by the board with reference to the value of time employed and the degree of learning or skill required.

O. Unless otherwise requested by the respondent/pilot, adjudication hearings, shall be conducted in open session, unless the respondent/pilot expressly requests that the matter be conducted in executive session, all as per law.

P. At the hearing, opportunity shall be afforded to all parties to present evidence on all issues of fact and argument on all issues of law and policy involved, to call, examine and cross-examine witnesses, and to offer and introduce documentary evidence and exhibits as may be required for

full and true disclosure of the facts and disposition of the administrative notice.

Q. Unless stipulation is made between the parties, and approved by the board, providing for other means of recordation, all testimony and other proceedings of an adjudication shall be recorded by a certified stenographer who shall be retained by the board to prepare a written transcript of such proceedings. Witness fees (expert or otherwise) and related hearing costs caused by the respondent/pilot shall be his/her responsibility; in no way whatsoever shall the board be liable for nor responsible for costs or fees incurred by the respondent/pilot.

R. During evidentiary hearing, the Board shall rule upon all evidentiary objections and other procedural questions, but in his discretion may consult with the entire panel in or out of executive session, all as per law. At any such hearing, the board may be assisted by legal counsel, who is independent of the prosecutor and who has not participated in the investigation or prosecution of the case.

S. The record in a case of adjudication shall include, but is not limited to:

1. the administrative notice, notice of hearing, respondent's response to the complaint, if any, subpoenas issued in connection with discovery, and all pleadings, motions, and intermediate rulings;
2. evidence received or considered at the hearing;
3. a statement of matters officially noticed except those so obvious that statement of them would serve no useful purpose;
4. offers of proof, objections, and rulings thereon;
5. proposed findings and exceptions, if any;
6. the decision, opinion, report or other disposition of the case made by the board;
7. findings of fact;
8. conclusions of law.

T.1. In an adjudication hearing, the board may give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. The board may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written or recorded form.

2. All evidence, including records and documents in the possession of the board which the parties desire the board to consider, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

3. Notice may be taken of judicially cognizable facts and generally recognized technical or scientific facts within the board's knowledge. The board's experience, technical competence and knowledge may be utilized in the evaluation of the evidence.

4. Any member of the board serving as presiding officer in an adjudication hearing shall have the power to and shall administer oaths or affirmations to all witnesses appearing to give testimony, shall regulate the course of the hearing, set the time and place of continued hearings, fix the

time for the filing of briefs and other documents, if they are required or requested, and may direct the parties to appear and confer to consider simplification of the issues.

U.1. The final decision of the board in an adjudication proceeding shall be in writing and shall include findings of fact and conclusions of law, and shall be signed by the presiding officer of the hearing panel on behalf and in the name of the board.

2. Upon issuance of a final decision, a copy thereof shall promptly be served upon all parties of record, or upon respondent personally in the absence of counsel, in the same manner of service prescribed with respect to service of administrative notices.

V.1. A decision by the board in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the board pursuant to written motion filed with the board within 10 days from service of the decision on respondent or on its own motion. A motion for rehearing, reopening, or reconsideration shall be made and served in the form and manner prescribed herein above and shall set forth the grounds upon which such motion is based, as provided herein.

2. The board may grant rehearing, reopening, or reconsideration if it is shown that:

- a. the decision is clearly contrary to the law and the evidence;
- b. the respondent has discovered since the hearing evidence important to the issues which he or she could not have with due diligence obtained before or during the hearing;
- c. other issues not previously considered ought to be examined in order to properly dispose of the matter; or
- d. there exists other good grounds for further consideration of the issues and the evidence in the public interest.

W. As per law, the board shall have the specific authority to recommend imposition of a fine on any pilot, to recommend reprimand or removal from duty of any pilot, or to recommend to the governor that the commission of any pilot be suspended or revoked if a pilot is found in violation of any rule or regulation adopted by this board of examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

§6713. Recusal

A. No member of the board of examiners shall participate in the investigation of or vote on any matter to which he/she is a party to or in which he/she has a conflict of interest. In such cases, he/she shall automatically be recused from participating in or voting on such matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The proposed Rules will not affect the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their

children? The proposed Rules will not affect 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? The proposed Rules will not affect the functioning of the family.

4. What effect will this have on family earnings and family budget? The proposed Rules will not affect family earnings or family budget.

5. What effect will this have on the behavior and personal responsibility of children? The proposed Rules will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in these proposed Rules? No, the action proposed is strictly a state enforcement function.

Interested persons are invited to submit comments on the proposed Rules. All comments should be submitted to Captain Henry G. Shows, 3900 River Road, Suite 7, Jefferson, LA 70121.

Henry G. Shows
President

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: General Provisions; Qualifications and Examination; Standards of Conduct; Investigations and Enforcement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no cost to the Board of Examiners or the State of Louisiana associated with the promulgation of these rules. All expenses, if any, are paid by the New Orleans-Baton Rouge Steamship Pilot Association (NOBRA) as per law.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collection of State or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Current pilots will be subject to the additional cost of attending classes to comply with the continuing education requirements. Additionally, applicants will be subject to additional education costs to meet the increased minimum educational requirements for applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Under these rules, applicants for a state pilot commission will be subject to more stringent educational and licensing requirements. This may affect the ability of certain applicants to receive a state pilot commission. Further, these rules clarify the standard of conduct of state commissioned NOBRA pilots. Those who violate these rules may have their state commission affected due to disciplinary action taken by the Board of Examiners or the Governor.

Henry G. Shows
President
0408#055

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Recreational and Used Motor Vehicle Commission

Licensure; Rent with Option-to-Purchase Program; Repossession; Marine Products; Marine Surveyor (LAC 46:V.2905, 3001, 3003, 3005, 3101, 3303, 3503, 4801, 4803, and 4901)

In accordance with the provisions of the administrative Procedure Act, R.S. 49:950 et seq., and in accordance with Revised Statutes Title 32, Chapters 4A and 4B, the Office of the Governor, Recreational and Used Motor Vehicle Commission, notice is hereby given that the Recreational and Used Motor Vehicle Commission proposes to amend Rules and Regulations governing Qualifications and Eligibility for Licensure in accordance with R.S. 32:772 (F)(2), R.S. 32:774, R.S. 32:752, R.S. 32:754 and R.S. 32:762; repeal Rules and Regulations governing Rent With Option-to-Purchase Program; repeal Provisions Required in all Rental Purchase Agreements in accordance with R.S. 32:773.B; and repeal Rules and Regulations governing Repossession of Vehicles in accordance with R.S. 32:772E, amend Automotive Dismantler and Recycler in accordance with R.S. 32:773, and R.S. 32:771(2)(a)(i) and (ii), R.S. 32:773.2.D; and adopt Rules and Regulations governing Designation of Area of Responsibility for Marine Products and Independent Marine Surveyor in accordance with R.S. 32:773.1 and R.S. 32:773.2.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 2. Recreational and Used Motor Vehicle Commission

Chapter 29. Used Motor Vehicle Dealer §2905. Qualifications and Eligibility for Licensure

A. - A.3. ...

B. A dealer's license shall consist of a signed certificate bearing the official seal of the commission and the name and address of the dealership and assigned a dealer number, which shall be posted in a conspicuous place in the dealer's place or places of business. The dealer's license number will be prefixed with UD, followed by an electronic number.

C - D. ...

E. Dealers in new and used motor homes, new and used boats, new and used boat motors, new and used motorcycles, new and used all-terrain vehicles, new and used semi-trailers, new and used recreational trailers, new and used boat trailers, and new and used travel trailers, likewise must meet the above qualifications to be eligible and all these types license numbers will be prefixed by NM, followed by an electronic number. Semi-trailers are described in the title law as every single vehicle motive power designed for carrying property and passengers and so designed in conjunction and used with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle and having one or more load carrying axles.

This includes, of course, recreational trailers, boat trailers and travel trailers, but excludes mobile homes. One license shall be due for new and used operators at the same location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission LR 15:258 (April 1989), LR 15:375 (May 1989), LR 24:1682 (September 1998), LR 25:245 (February 1999), amended by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR:30:436 (March 2004), amended by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 30:

Chapter 30. Rent With Option-to-Purchase Program

§3001. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:773.B.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1587 (July 2002), repealed by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 30:

§3003. Provisions Required in all Rental Purchase Agreements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:773.B.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1587 (July 2002), repealed by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 30:

§3005. Repossession of Vehicles

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 29:703 (May 2003), repealed by the Office of the Governor, Recreational and Used Motor Vehicle Commission LR 30:

Chapter 31. License for Salesman

§3101. Qualifications and Eligibility for Licensure

A. - A.2 ...

B. A salesman's license shall consist of an identification card bearing the name, address, name of employer, date, signature of the executive director, salesman's license number prefixed with SM, followed by an electronic number. The card shall be carried upon his person at all times when acting as a salesman at license location.

C - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:774.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1063 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:258 (April 1989), LR 25:245 (February 1999), amended by the Office of the Governor, Recreational and Used Motor Vehicle Commission LR 30:

Chapter 33. Automotive Dismantler and Recycler

§3303. Qualifications and Eligibility for Licensure

A. - A.2 ...

B. An automotive dismantler's license shall consist of a signed certificate bearing the official seal of the commission and the name and address of the business and assigned a

dismantler number, which shall be posted in a conspicuous place in the dismantler's place or places of business. The automotive dismantler's license number will be prefixed with AD, followed by an electronic number.

C. ...

D. An automotive dismantler and parts recycler may offer a rebuilt wrecked, abandoned or repairable motor vehicle at wholesale only. If such vehicle is offered for sale at retail, the dismantler will be operating as a used motor vehicle dealer and is subject to licensing requirements and used motor vehicle dealer rules and regulations thereof. However, an automotive dismantler and parts recycler, duly licensed by the commission, shall have the authority to transfer the certificate of title as a dealer under the Louisiana Certificate of Title Law, (i.e., transfer to another dealer without payment of tax). In order to sell a vehicle at retail, an automotive dismantler and parts recycler must be licensed hereunder as a used motor vehicle dealer providing a good and sufficient bond, executed by the applicant as principal by a surety company qualified to do business as surety in the sum of \$20,000.00.

E. ...

F. No person, firm or corporation may advertise, sell or display for sale used parts without first obtaining a used parts dealer's license to do business in this state. All these types of license numbers will be prefixed by UP, followed by an electronic number.

F.1. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:752, 32:753, 32:754, 32:775 and 32:756, 32:772(E), and R.S. 32:773(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1063 (November 1985), amended by Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 20:535 (May 1994), repromulgated LR 20:645 (June 1994), LR 24:1683 (September 1998), amended LR 25:245 (February 1999), amended by Office of the Governor, Recreational and Used Motor Vehicle Commission LR 30:

§3503. Qualifications and Eligibility for Buyer Identification Card

A. - A.2. ...

B. The buyer's identification card shall include the name, address, driver's license number, any one of the aforementioned dealers' license numbers, physical description, and signature of the applicant and the name and address of the employer of the applicant. The buyer's identification number to be prefixed with BI, followed by an electronic number. Cards obtained for the buyers will be \$25 each for Louisiana resident and \$200 each for out-of-state resident. Out of state buyers must provide proof that they are a licensed used motor vehicle dealer, auto recycler, auto dismantler or employee thereof. A duplicate identification card will be issued to all buyers that will consist of individual's name, driver's license number, social security number, dealership name, dealer number, salesman number, photograph and the individual's signature. This card must be carried with the individual and produced on demand while conducting the business for which this license has been issued. Applicants may provide a copy of the license. However, if the commission has reasonable cause to suspect that the copy is forgery or inaccurate, then the commission

may require the applicant to produce a certified copy of the license.

C. - C.2 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:762.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:259 (April 1989), LR:1058 (December 1989), amended by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1588 (July 2002), amended by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 30:

Chapter 48. Designation of Area of Responsibility for Marine Products

§4801. Procedure of Designation of Area of Responsibility

A. Beginning August 16, 2004, the commission shall notify by certified mail each marine product manufacturer/distributor, who has prior to that date failed to designate an area of responsibility for each of its existing dealers, that they must designate an area of responsibility for each dealer within thirty days following receipt of the notification. Failure to respond to the commission within 30 days shall constitute an absence of designation thereby mandating the areas of responsibility provided for in R.S. 32:771(2)(a)(i)(ii).

B. Following August 16, 2004, without such notification from the commission, each marine product manufacturer/distributor shall be responsible for designating an area of responsibility for any new dealer which has not had its area previously designated.

C. Thereafter, any marine product manufacturer/distributor which was not licensed with the commission prior to August 16, 2004, shall be notified by the commission by certified mail of their responsibility to designate an area of responsibility for their dealers. Failure to designate an area of responsibility for each dealer within 30 days following receipt of the notification shall constitute an absence of designation thereby mandating the area of responsibility provided for in R.S. 32:771(2)(a)(i) and (ii).

D. Any changes in the area of responsibility once designated must meet criteria as set forth in R.S. 32:773.2(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:773.1 and R.S. 32:773.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 30:

§4803. Uniform Procedures to Designate the Territory Assigned to a Marine Dealer

A. On any occasion in which the marine product manufacturer/distributor has designated, an area of responsibility smaller in size to that provided for in R.S. 32:771(2)(a)(i) and (ii), the marine product manufacturer and/or distributor must furnish with the designation the uniform procedure to establish the community or territory that is assigned to a marine dealer. If the manufacturer/distributor fails to furnish a uniform procedure with its designation, the commission shall reject the designation and shall so notify the manufacturer/distributor of the rejection by certified mail. With the notice of rejection, the commission shall provide the

manufacturer/distributor the opportunity to appeal the rejection to the commission in a hearing at the commission's monthly meeting.

B. Where the marine product manufacturer/distributor has provided the uniform procedure with its designation, the commission shall review the designation and advise the manufacturer/distributor within 10 days following receipt as to whether the designation has been accepted or rejected. If the designation has been rejected, the manufacturer/distributor shall be so notified by certified mail of the rejection and informed of the opportunity to appeal the rejection in a hearing at the commission's monthly meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:773.1 and R.S. 32:773.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 30:

Chapter 49. Independent Marine Surveyor

§4901. Procedure for Appointing Independent Marine Surveyor

A. When a marine product manufacturer/distributor elects to appoint an Independent Marine Surveyor to inspect the marine dealer's inventory to determine whether the product has been altered or damaged to the prejudice of the manufacturer/distributor, the manufacturer/distributor shall notify the commission of the identity of the Independent Marine Surveyor within 15 days prior to the hearing before the commission. However, the manufacturer/distributor may post the identity of any pre-approved Independent Marine Surveyor with the commission.

B. The notice of appointment of Independent Marine Surveyor or the approved list shall contain the resume, curriculum vitae, or qualifications of Independent Marine Surveyor.

C. The commission shall then promptly notify the dealer of the identity of the Independent Marine Surveyor as selected by the manufacturer/distributor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:771.

HISTORICAL NOTE: Promulgated by Office of the Governor, Recreational and Used Motor Vehicle Commission LR 30:

Family Impact Statement

These proposed Rules 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 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. a family's earnings and budget;
5. the behavior and personal responsibility of children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rules.

Interested persons may submit written comments no later than 4:30 p.m. on September 10, 2004 to John M. Torrance, Executive Director, 3132 Valley Creek Drive, Baton Rouge, LA 70808 (225) 925-3870.

John M. Torrance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Licensure; Rent with Option-to-
Purchase Program; Repossession; Marine Products;
Marine Surveyor**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be minimal implementation costs to the Louisiana Recreational and Used Motor Vehicle Commission regarding the proposed Rule change. Statutory provisions enacted in 2004 Regular Legislative Session required the commission to notify by certified mail approximately 100 manufacturer/distributors to designate an area of responsibility in their franchise/dealer agreements. The estimated cost is \$550 in FY 04/05.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed Rules and Regulations 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)**

There will be minimal costs to the dealer in relation to obtaining a larger dealer bond, but costs are not anticipated to be significant.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The change in the area of responsibility from a population of 500,000 to 400,000 may allow additional dealers within a 15-mile radius of the dealership if the dealership is located in a parish containing a population of 400,000 persons or more. The change may also allow additional dealers within a 30-mile radius of the dealership if the dealership is located in a parish containing a population of less than 400,000 persons.

John M. Torrance
Executive Director
0407#056

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Nursing**

Hepatitis B Virus (HBV), Hepatitis C Virus (HCV)
and Human Immunodeficiency Virus (HIV)
(LAC 46:XLVII.Chapter 40)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Board of Nursing (board) pursuant to the authority vested in the Board by R.S. 37:918, R.S. 37:919 intends to adopt rules amending the Professional and Occupational Standards pertaining to the Prevention of Transmission of Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and Human Immunodeficiency Virus (HIV). The proposed amendments of the rules are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 2. Registered Nurses

**Chapter 40. Prevention of Transmission of Hepatitis
B Virus (HBV), Hepatitis C Virus
(HCV) and Human Immunodeficiency
Virus (HIV)**

§4001. Definitions

A. For the purpose of this Chapter, the following terms are defined as follows.

AIDS Acquired immune deficiency syndrome, as determined by the Federal Centers for Disease Control (CDC).

Board Louisiana State Board of Nursing.

Body Fluids Amniotic, pericardial, peritoneal, pleural, synovial and cerebrospinal fluids, semen, vaginal secretions and other body fluids, secretions and excretions containing visible blood.

Confidentiality

a. Reports and information furnished to the board pursuant to §4005 of this Chapter and records of the board relative to such information shall not be deemed to constitute public records, but shall be deemed and maintained by the board as confidential and privileged and shall not be subject to disclosure by means of subpoena in any judicial, administrative or investigative proceeding; providing that such reports, information and records may be disclosed by the board as necessary for the board to investigate or prosecute alleged violations of this Chapter.

b. The identity of registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who have reported their status as carriers of HBV, HCV or HIV to the board's compliance director pursuant to §4005 hereof shall be maintained in confidence by the compliance director and shall not be disclosed to any member, employee, agent, attorney or representative of the board nor to any other person, firm, organization, or entity, government or private, except as may be necessary in the investigation or prosecution of suspected violations of this Chapter.

Exposure-Prone Procedure An invasive procedure in which there is an increased risk of percutaneous injury to the registered nurse, registered nurse applicant, or a nursing student enrolled in a clinical nursing course by virtue of digital palpations of a needle tip or other sharp instrument in a body cavity or the simultaneous presence of the fingers of a registered nurse, registered nurse applicant, or a nursing student enrolled in a clinical nursing course and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site, or any other invasive procedure in which there is a significant risk of contact between the blood or body fluids of the registered nurse, registered nurse applicant, or a nursing student enrolled in a clinical nursing course and the blood or body fluids of the

patient. According to the Federal Centers for Disease Control exposure-prone procedures should be identified by medical/surgical/dental organizations and institutions at which the procedures are performed. Examples of exposure-prone procedures: cardiothoracic surgical procedures, including sternal opening and closure, and major gynecological surgical procedures, e.g. caesarian section, hysterectomy. The majority of dentistry procedures are exposure-prone. Invasive procedures where the hands and fingertips of the worker are visible and outside the patient's body at all times, and internal examinations or procedures that do not involve possible injury to the worker's gloved hands from sharp instruments and/or tissues, are considered not to be exposure-prone. These may include: taking blood (venipuncture), setting up and maintaining IV lines or central lines (provided any skin tunneling procedure used for the latter is performed in a non-exposure-prone manner), minor surface suturing, incision of abscesses, routine vaginal or rectal examinations, and simple endoscopic procedures.

HBV The hepatitis B virus.

HBsAg Seropositive with respect to a registered nurse or registered nurse applicant, that a blood test under the criteria of the Federal Centers for Disease Control or of the Association of State and Territorial Public Health Laboratory Directors has confirmed the presence of hepatitis B e antigen.

HBsAg Seropositive with respect to a registered nurse, registered nurse applicant, or a nursing student enrolled in a clinical nursing course, that a blood test under the criteria of the Federal Centers for Disease Control or of the Association of State and Territorial Public Health Laboratory Directors has confirmed the presence of hepatitis B surface antigens and that no subsequent test has confirmed that hepatitis B surface antigens are no longer present.

HCV The Hepatitis C virus.

HCV Seronegative a condition where one has been HCV seropositive but is no longer infectious under the criteria of the Federal Centers for Disease Control or the Association of a State and Territorial Public Health Laboratory Directors, or where one has never been infected with HCV.

HCV Seropositive a condition where one has developed antibodies sufficient to diagnose seropositivity to HIV under the criteria of the Federal Centers for Disease Control or the Association of State and Territorial Public Health Laboratory Disease.

HIV The human immunodeficiency virus, whether HIV-1 or HIV-2.

HIV Seropositive with respect to a registered nurse, registered nurse applicant, or a nursing student enrolled in a clinical nursing course, that a test under the criteria of the Federal Centers for Disease Control or of the Association of State and Territorial Public Health Laboratory Directors has confirmed the presence of HIV antibodies.

Invasive Procedures any procedure involving manual or instrumental contact with, or entry into, any blood, body fluids, cavity, internal organ, subcutaneous tissue, mucous membrane or percutaneous wound of the human body.

Participating in an Exposure-prone Procedure the preparation, processing, handling of blood, fluids, tissue or instruments which may be introduced into or come into contact with any body cavity, internal organ, subcutaneous

tissue, submucosal tissue, mucous membrane or percutaneous wound of the human body in connection with the performance of an exposure-prone invasive procedure.

Registered Nurse an individual licensed as a registered nurse in Louisiana, or an individual licensed as a registered nurse in another state and holding a 90-day permit to practice nursing in Louisiana in accordance with R.S. 37:920.D and LAC 46:XLVII.3329.B or a nursing student enrolled in a clinical nursing course.

Registered Nurse Applicant a graduate of an approved school of nursing who has been issued a temporary working permit, as provided for in R.S. 37:920. D and LAC 46:XLVII.3329.A.

Standard Precautions those generally accepted infection control practices, principles, procedures, techniques and programs as recommended by the Federal Centers for Disease Control to minimize the risk of transmission of HBV or HIV from a registered nurse or a registered nurse applicant to a patient, from a patient to a registered nurse or registered nurse applicant, or from a patient to a patient, as such recommendations may be amended or supplemented from time to time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1746-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1150 (September 1993), amended LR 24:1293 (July 1998), amended LR 30:

§4003. Standard Precautions

A. All registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course shall adhere to standard precautions for the prevention of transmission of infectious diseases as recommended by the Federal Centers for Disease Control for infection-control programs. These precautions include the appropriate use of hand washing, protective barriers, and care in the use and disposal of needles and other sharp instruments.

B. Registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who have exudative lesions or weeping dermatitis shall refrain from all direct patient care and from handling patient-care equipment and devices used in performing invasive procedures until the condition resolves.

C. Registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course shall also comply with employing agency's current guidelines for disinfection and sterilization of reusable devices used in invasive procedures.

D. Registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who perform invasive procedures not identified as exposure-prone, and who are or become infected with HIV, HCV or HBV, shall practice standard surgical or dental technique and comply with standard precautions and current standards for sterilization/disinfection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1746-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1151 (September 1993), amended LR 24:1293 (July 1998), amended LR 30:

§4005. Self-Reporting

A. Within 90 days of the effective date of this Chapter, registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who perform,

or participate in, exposure-prone procedures and have been previously diagnosed as HBV, (seropositive), HCV and/or HIV seropositive shall give notice of such diagnosis to the board on a reporting form supplied by the board. Such notice shall be mailed to the compliance director, marked "Personal and Confidential" by registered or certified mail. This report shall be confidential as provided in §4001 of this Chapter, definition of confidentiality.

B. Registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who know or should know that they carry and are capable of transmitting HBV, HCV or HIV and who perform or participate in exposure-prone procedures shall report their status to the Board of Nursing within 30 days from the date of the performance of the diagnostic test. They shall give notice of such diagnosis to the board on a reporting form supplied by the board which shall be mailed to the compliance director, marked "Personal and Confidential," by registered or certified mail. This report shall be confidential as provided in Act 1009 of the 1991 Louisiana Legislature.

C. Provided that the identity of the self-reporting registered nurse, registered nurse applicant or nursing student enrolled in a clinical nursing course is not disclosed, either directly or indirectly, the provisions of this Section shall not be deemed to prevent disclosure by the compliance director or the board, to governmental public health agencies with a legitimate need therefore, of statistical data derived from such reports, including, without limitation, the number and demographics of registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course having reported themselves as HbsAg, HCV, and/or HIV seropositive and their geographical distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1746-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1151 (September 1993), amended LR 24:1293 (July 1998), amended LR 30:

§4007. Authorization to Perform or Participate in Exposure-Prone Procedures

A. Registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who perform or participate in exposure-prone procedures shall, in the performance of or participation in any such procedure or function, be familiar with, observe, and rigorously adhere to both general infection control practices and standard blood and body-fluid precautions as then recommended by the Federal Centers for Disease Control to minimize the risk of HBV, HCV or HIV from a registered nurse, registered nurse applicant, or a nursing student enrolled in a clinical nursing course to a patient, from a patient to a registered nurse or registered nurse applicant, or from a patient to a patient.

B. Registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who perform or participate in exposure-prone procedures and who do not have serologic evidence of immunity to HBV from previous infection, and have not been vaccinated against HBV, shall obtain their HBsAg status and, if that is positive, shall also obtain their HBeAg status.

C. Registered nurses, registered nurse applicants, and nursing students enrolled in a clinical nursing course who are infected with HIV, HCV or HBV (and are HBeAg positive) shall not perform exposure-prone procedures unless they have sought periodic counsel from an expert

review panel, as determined by the expert panel, and have been advised under what circumstances, if any, they may continue to perform these procedures.

D. An expert review panel, appointed by the Board of Nursing, shall be constituted of the compliance director, and at least four members representing a balanced perspective, such as one or more of each of the following: a licensed psychiatrist or psychologist, the licensee's personal physician, a member of the agency's infection control committee (if agency has such committee), a registered nurse who is an infectious disease specialist with expertise in the procedures performed by the infected licensee, a state or local public health official.

E. Patients of the seropositive registered nurse, registered nurse applicant, or a nursing student enrolled in a clinical nursing course shall be notified of the registered nurse's seropositivity before they undergo exposure-prone invasive procedures in which the nurse will participate or perform. If the nurse will perform the procedure, an informed consent shall be obtained from the patient or a lawfully authorized representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1746-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1152 (September 1993), amended LR 24:1293 (July 1998), amended LR 30:

Family Impact Statement

The Louisiana State Board of Nursing hereby issues this Family Impact Statement: The proposed Rule related to the Board's appointing authority will have no known impact on family formation, stability, and autonomy, as set forth in R.S.49:972.

Interested persons may submit written comments on the proposed Rule to Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 3510 North Causeway Boulevard, Suite 601, Metairie, LA 70002. The deadline for receipt of all written comments is 4:30 p.m. on September 10, 2004.

Barbara L. Morvant
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hepatitis B Virus (HBV) Hepatitis C Virus (HCV) and Human Immunodeficiency Virus (HIV)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Only implementation cost is for the publication of the Rule change in the *Louisiana Register* estimated to be \$680.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost or economic benefit to affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

Pharmacy Technicians (LAC 46.LIII.Chapters 8 and 9)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Louisiana Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to repeal the entire contents of Chapter 8 and adopt the proposed Rule.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 8. Repealed

Chapter 9. Pharmacy Technicians

§901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:

ACPE Accreditation Council for Pharmacy Education.

Pharmacist Preceptor An individual who is currently licensed as a pharmacist by the board, meets certain qualifications as established by the board, and is responsible for the instructional training of pharmacy technician candidates.

CPE Continuing pharmaceutical education, as part of a postgraduate educational program to enhance professional competence.

CPE unit A standard of measurement adopted by the ACPE for the purpose of accreditation of CPE programs. One CPE unit is equivalent to 10 credit hours.

Pharmacy Technician An individual, certified by the board, who assists in the practice of pharmacy under the direct and immediate supervision of a Louisiana-licensed pharmacist.

Pharmacy Technician Candidate An individual not yet certified as a pharmacy technician by the board who is:

a. an individual who possesses a valid registration, is satisfactorily progressing in a board-approved structured program, and is working under the supervision of a pharmacist preceptor for the purpose of obtaining practical experience for certification as a pharmacy technician by the board; or

b. an individual who possesses a valid registration, has successfully completed a board-approved structured program, and is awaiting examination.

Structured Program Systematic instruction in pharmacy related functions in a board-approved pharmacy technician training program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:

§903. Pharmacy Technician Candidates

A. Registration

1. Qualifications

a. All pharmacy technician candidates shall register with the board; failure to do so may result in disciplinary action by the board.

b. The candidate shall be at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

c. The candidate shall be of good moral character and non-impaired.

d. The candidate shall be a graduate from a high school approved by a state department of education, or shall possess an equivalent degree of education, as evidenced by a valid and legible copy of a diploma, transcript, or other appropriate credential.

e. Exceptions

i. A pharmacist or pharmacist intern whose board credential has been denied, suspended, revoked, or restricted for disciplinary reasons by any board of pharmacy shall not be a pharmacy technician candidate or pharmacy technician.

ii. A pharmacist or pharmacist intern whose board credential is lapsed shall not be a pharmacy technician candidate or pharmacy technician until such lapsed credential is recalled through non-disciplinary board action.

2. Issuance and Maintenance

a. Upon receipt of a properly completed application, appropriate fee, proof of enrollment in a board-approved structured program, and any other documentation required by the board, the board may issue a Pharmacy Technician Candidate Registration to the applicant.

b. The board reserves the right to refuse to issue, recall, or discipline a registration for cause.

c. The registration shall expire 18 months after the date of issuance, and it shall not be renewable.

d. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change of mailing address. The written notice shall include the candidate's name, registration number, and old and new addresses.

e. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change in either training program site or location(s) of employment. The written notice shall include the candidate's name, registration number, and name, address, and permit numbers for old and new training program sites or employers.

B. Structured Program

1. All structured programs shall meet competency standards as established by the board.

2. The curriculum of the structured program shall be composed of the elements contained in the *Pharmacy Technician Training Program Minimum Competencies*, as approved by the board.

3. The structured program shall notify the board when a pharmacy technician candidate is no longer satisfactorily progressing in the program.

4. The structured program shall provide an appropriate credential to the candidate who has successfully completed the program.

C. Practical Experience

1. The candidate shall possess a registration prior to earning any practical experience in a pharmacy.

2. The candidate's registration shall be conspicuously displayed in the prescription department.

3. The candidate shall wear appropriate attire and be properly identified as to name and candidate status while on duty in the prescription department.

4. A candidate shall not work in a permitted site that is on probation with the board, or with a pharmacist who is on probation with the board.

5. The candidate's registration shall evidence his authority to earn a minimum of 600 hours of practical experience in a pharmacy, under the supervision of a pharmacist preceptor, in satisfaction of the requirements for pharmacy technician certification. Of the required minimum 600 hours, not less than 200 hours shall be earned during and as part of a structured program.

6. A candidate may receive board credit for a maximum of 50 hours per week.

7. Hours of practical experience earned by a candidate shall expire one year after the expiration date of the registration.

D. Examination

1. A board-approved technician examination shall consist of integrated pharmacy subject matter and any other disciplines the board may deem appropriate in order to permit the candidate to demonstrate his competency. The candidate shall achieve a passing score, as determined by the board.

2. Re-examination

a. Following the first or second unsuccessful attempt of an examination, the candidate may be permitted to retake that examination.

b. Following the third unsuccessful attempt of an examination, the candidate shall wait one year after the date of the last examination to retake that examination. If the candidate fails to wait the prescribed one year period, the board may delay any future certification until that one year period has elapsed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), repromulgated LR 19:1025 (August 1993), amended LR 23:1307 (October 1997), LR 30:

§905. Pharmacy Technician Certificate

A. Qualifications

1. An applicant for a pharmacy technician certificate shall be at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

2. An applicant shall be of good moral character and non-impaired.

3. An applicant shall demonstrate the following educational competencies:

a. shall be a graduate from a high school approved by a state department of education, or shall possess an equivalent degree of education, as evidenced by a valid and legible copy of a diploma, transcript, or other appropriate credential; and

b. shall have successfully completed a board-approved structured program for pharmacy technician education and training, as evidenced by a valid and legible copy of the appropriate credential from that program.

4. An applicant shall demonstrate evidence of at least 600 hours of practical experience under the supervision of a pharmacist preceptor, using a form supplied by the board.

5. An applicant shall demonstrate successful completion of a board-approved technician examination, as evidenced by a valid and legible copy of the appropriate credential.

B. Issuance and Maintenance

1. Upon receipt of a properly completed and notarized application, properly executed preceptor affidavit(s), copies of valid and legible credentials, and the appropriate fee, and following verification that all requirements have been satisfied, the board may issue a pharmacy technician certificate to the applicant for the current renewal period.

2. The board reserves the right to refuse to issue, recall, or discipline a certificate for cause.

3. The annual renewal shall expire and become null and void on June 30 of each year.

a. The board shall mail, no later than May 1 of each year, an application for renewal to all pharmacy technicians to the address of record.

b. The completed application, along with the appropriate fee, shall be submitted to the board by June 30 of each year.

c. A pharmacy technician shall not assist in the practice of pharmacy in Louisiana with an expired renewal.

d. An application for an expired pharmacy technician renewal, along with the appropriate fee, shall be submitted to the board's Reinstatement Committee for consideration.

4. A pharmacy technician shall notify the board, in writing, no later than 10 days following a change of mailing address. The written notice shall include the technician's name, certificate number, and old and new addresses.

5. A pharmacy technician shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the technician's name, certificate number, and name, address, and permit numbers for old and new employers.

6. Upon written request of any certified pharmacy technician in active military service of the United States or any of its allies, the board may waive the requirement for the annual renewal of the certificate, including fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), repromulgated LR 19:1025 (August 1993), LR 30:

§907. Scope of Practice

A. Pharmacy technician candidates and pharmacy technicians may assist the pharmacist by performing those duties and functions assigned by the pharmacist while under his direct and immediate supervision.

1. The ratio of candidates to pharmacists on duty shall not exceed one to one at any given time.

2. The ratio of technicians to pharmacists on duty shall not exceed two to one at any given time.

B. Pharmacy technician candidates and pharmacy technicians shall not:

1. receive verbal initial prescription orders;

2. give or receive verbal transfers of prescription orders;

3. interpret prescription orders;

4. compound high-risk sterile preparations in Category II, as defined by the United States Pharmacopeia (USP), or its successor;

5. counsel patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:

§909. Continuing Education

A. A minimum of one ACPE or board-approved CPE unit, or 10 credit hours, shall be required each year as a prerequisite for annual renewal of a pharmacy technician certificate. Such CPE units shall be credited in the 12-month period prior to the expiration date of the certificate.

B. Certified pharmacy technicians shall maintain copies of their individual records of personal CPE activities at their primary practice site for at least 2 years, and shall present them when requested by the board.

C. If judged appropriate by the board, some or all of the required number of hours may be mandated on specific subjects. When so deemed, the board shall notify all certified pharmacy technicians prior to the beginning of the renewal year in which the CPE is required.

D. Complete compliance with CPE rules is a prerequisite for renewal of a pharmacy technician certificate.

1. Non-compliance with the CPE requirements shall be considered a violation of R.S. 37:1241(A)(2) and shall constitute a basis for the board to refuse annual renewal.

2. The failure to maintain an individual record of personal CPE activities, or falsifying CPE documents, shall be considered a violation of R.S. 37:1241(A)(2).

3. The inability to comply with CPE requirements shall be substantiated by a written explanation, supported with extraordinary circumstances, and submitted to the board for consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 17:779 (August 1991), repromulgated LR 19:1025 (August 1993), amended LR 23:1308 (October 1997), LR 30:

§911. Impairment

A. Pharmacy technician candidates and pharmacy technicians shall be non-impaired.

B. Pharmacy technician candidates and pharmacy technicians who have knowledge that a pharmacist, pharmacist intern, pharmacy technician candidate, or pharmacy technician is impaired shall notify the board of that fact.

C. Pharmacy technician candidates and pharmacy technicians shall be subject to a medical evaluation for impairment by a board-approved addictionist, as authorized by the Louisiana Pharmacy Practice Act, R.S. 37:1161 *et seq.*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 17:779 (August 1991), repromulgated LR 19:1025 (August 1993), amended 23:1308 (October 1997), LR 30:

Family Impact Statement

1. The effect on the stability of the family. Implementation of this proposed Rule will have no known 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.

Implementation of this proposed Rule will have no known 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. Implementation of this proposed Rule will have no known effect on the functioning of the family.

4. The effect on family earnings and family budget. Implementation of this proposed Rule will have no known effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children. Implementation of this proposed Rule will have no known 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. Implementation of this proposed Rule will have no known effect on the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to Malcolm J. Broussard, Louisiana Board of Pharmacy, 5615 Corporate Blvd., Suite 8-E, Baton Rouge, LA 70808-2537. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Monday, September 27, 2004, at 9 a.m. in the board office. 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 receipt of all written comments is 4 p.m. that day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacy Technicians

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated that implementation of the proposed rule will cost the agency \$3,800 (\$800 for printing notice of intent and final rule, plus \$3,000 for printing and postage costs for updates to the pharmacy law book) during FY 04-05. The agency has sufficient self-generated funds available to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no fee for a pharmacy technician candidate registration. There is no change in the fee for a pharmacy technician certificate. No change in revenue collection is anticipated as a result of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will require new pharmacy technician candidates to enroll in a board-approved pharmacy technician education and training program prior to receiving their registration from the board. Current pharmacy technician candidates will not be affected by the proposed rule. Since the board anticipates the list of approved providers to include state-licensed educational institutions as well as corporate employers, it is not possible to estimate any potential costs of educational programs. The requirement to earn 600 hours of practical experience under the authority of the registration is an increase of 100 hours from the current rule. The proposed rule will also lengthen the validity of the registration from 12

months to 18 months, to provide additional time to earn the additional required hours of practical experience. The examination requirement will not change. The application fee and process for pharmacy technician certification will not change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimable effect on competition or employment in the public or private sector.

Malcolm J. Broussard
Executive Director
0408#036

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 Eligibility
Disregard of In-Kind Support and Maintenance

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 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 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. Under general Medicaid rules, states are required to follow the same rules and processes used by the most closely related cash assistance program to determine Medicaid eligibility. Under Section 1902(r)(2) of the Social Security Act, states are allowed to use less restrictive income methodologies in determining eligibility for most Medicaid eligibility groups than are used by the cash assistance program. Under current Medicaid eligibility policy for SSI-related groups (including optional Categorically Needy and Medically Needy SSI-related individuals as defined in 1902(a)(10)(A)(ii), 1902(a)(10)(C), and Qualified Medicare Beneficiaries as defined in 1905(p)), items such as the value of food or shelter provided to a person by a family are considered In-kind Support and Maintenance and counted as income in the determination of Medicaid eligibility. The bureau now proposes to amend Section I of the Medicaid Eligibility Manual to disregard In-kind Support and Maintenance as income in determining Medicaid eligibility.

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 will have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972 as individuals will be allowed to keep more of their income for regular expenses in the community, making it easier for the individual to remain in his or her home, thereby avoiding the need for institutionalization.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions of the May 20, 1996 Rule governing countable income in the determination of Medicaid eligibility for the SSI-related programs.

Utilizing provisions allowed under Section 1902(r)(2) of the Social Security Act, items such as the value of food or shelter provided to a person by a family, considered In-kind Support and Maintenance, will be disregarded and not counted as income in the eligibility determination for the SSI-related programs.

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 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 Tuesday, September 28, 2004 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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medicaid Eligibility
Disregard of In-Kind Support and Maintenance**

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 \$1,971 for SFY 2004-2005, \$10,618 for SFY 2005-2006 and \$20,056 for FY 2006-2007. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in SFY 2004-2005 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 \$4,671 for SFY 2004-2005, \$26,237 for SFY 2005-2006 and \$49,559 for SFY 2006-2007. \$136 is included in SFY 2004-2005 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 amends Section I of the Medicaid Eligibility Manual to disregard in-kind support and maintenance as income in determining Medicaid eligibility. Implementation of this proposed rule will increase expenditures for Medicaid eligible individuals (approximately 25 per year) by \$6,370 for SFY 2004-2005, \$36,855 for SFY 2005-2006 and \$69,615 for SFY 2006-2007.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Ben A. Bearden
Director
0408#087

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**

Private and Public Non-State Owned and Operated
Hospitals Inpatient Psychiatric Services
Reimbursement Increase

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, Office of the Secretary, Bureau of Health Services Financing adopted a rule which established the prospective reimbursement methodology for inpatient psychiatric hospital services provided in either a free-standing psychiatric hospital or distinct part psychiatric unit of an acute care general hospital (*Louisiana Register*, Volume 19, Number 6). This rule was subsequently amended to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates for inpatient psychiatric services in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 5). The bureau promulgated an emergency rule effective April 1, 2004 that increased the reimbursement for inpatient psychiatric hospital services provided in private and public non-state owned and operated free-standing psychiatric hospitals and distinct part psychiatric units (*Louisiana Register*, Volume 30, Number 4). As a result of the allocation of additional funds by the Legislature during the 2004 Regular Session, the bureau repealed the April 1, 2004 Rule and promulgated an emergency rule that rebased the reimbursement rates paid for inpatient psychiatric hospital services provided in private and public non-state owned and operated free-standing psychiatric hospitals and distinct part psychiatric units based on the weighted average for costs reported on the cost report ending in SFY 2002 (*Louisiana Register*, Volume 30, Number 7). This proposed Rule is being promulgated to continue the provisions contained in the July 1, 2004 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 repeals the April 1, 2004 Emergency Rule and increases the

reimbursement for inpatient psychiatric hospital services provided in private and public non-state owned and operated free-standing psychiatric hospitals and distinct part psychiatric units based on the weighted average for costs reported on the cost report ending in SFY 2002. The costs utilized to determine the weighted average shall include all free-standing psychiatric hospitals and distinct part psychiatric units providing services to Medicaid recipients in the state. Costs shall be trended to the midpoint of the rate year using the Medicare PPS Market Basket Index. The application of inflationary adjustments in subsequent years shall be contingent on the appropriation of funds by the Legislature.

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 and the Governor's signing of the Appropriation Bill with funding for the reimbursement increase for these hospitals.

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, September 28, 2004 at 9:30 am 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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Inpatient Psychiatric Services
Reimbursement Increase**

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 \$1,140,057 for SFY 2004-2005, \$1,341,849 for SFY 2005-2006 and \$1,382,105 for FY 2006-2007. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in SFY 2004-2005 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 \$2,816,899 for SFY 2004-2005, \$3,315,733 for SFY 2005-2006 and \$3,415,205 for SFY 2006-2007. \$136 is included in SFY 2004-2005 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, which continues provisions of the July 1, 2004 emergency rule, increases the reimbursement (from \$404.56 [under 21] and \$468.29 [over 21] to \$495.30 for both) for inpatient psychiatric hospital services provided in private and public non-state owned and operated free-standing

psychiatric hospitals and distinct part psychiatric units (approximately 41). It is anticipated that implementation of this proposed rule will increase expenditures for inpatient psychiatric services by \$3,956,684 for SFY 2004-2005, \$4,657,582 for SFY 2005-2006 and \$4,797,310 for SFY 2006-2007.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Ben A. Bearden
Director
0408#089

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

Private Intermediate Care Facilities for the Mentally Retarded Reimbursement Increase

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 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 adopted a rule on October 20, 1989 which established the reimbursement methodology for private intermediate care facilities for the mentally retarded (ICFs-MR) (*Louisiana Register*, Volume 15, Number 10). This Rule was subsequently amended to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 6).

In response to a budgetary shortfall, the bureau reduced the reimbursement paid to private (non-state) intermediate care facilities for the mentally retarded to 99.2 percent (a .8 percent reduction) of the per diem rates in effect on September 30, 2003 (*Louisiana Register*, Volume 29, Number 9). As a result of the allocation of additional funds by the Legislature during the 2004 Regular Session, the bureau promulgated an Emergency Rule that increased reimbursement to private intermediate care facilities for the mentally retarded by 4 percent of the per diem rates in effect on June 30, 2004, net of the provider fees (*Louisiana Register*, Volume 30, Number 7). This proposed Rule is being promulgated to continue the provisions contained in the July 1, 2004 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 increases the reimbursement paid to private intermediate care facilities for

the mentally retarded by 4 percent of the per diem rates in effect on June 30, 2004, net of the provider fees.

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 and the governor's signing of the Appropriation Bill with funding for the reimbursement increase for these facilities.

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, September 28, 2004 at 9:30 am 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.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Private Intermediate Care Facilities for the Mentally Retarded Reimbursement Increase

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 \$2,997,025 for SFY 2004-2005, \$3,086,830 for SFY 2005-2006 and \$3,179,435 for FY 2006-2007. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in SFY 2004-2005 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 \$7,405,548 for SFY 2004-2005, \$7,627,610 for SFY 2005-2006 and \$7,856,438 for SFY 2006-2007. \$102 is included in SFY 2004-2005 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, which continues provisions of the July 1, 2004 emergency rule, increases the reimbursement to private intermediate care facilities (approximately 500) for the mentally retarded (ICFs-MR) by 4 percent of the per diem rates in effect on June 30, 2004, net of the provider fees. It is anticipated that implementation of this proposed rule will increase expenditures for services to ICFs-MR by \$10,402,369 for SFY 2004-2005, \$10,714,440 for SFY 2005-2006 and \$11,035,873 for SFY 2006-2007.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Fees (LAC 43:XIX.703 and 707)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby amends the established fees.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation General Operations

Subpart 2. Statewide Order No. 29-R

Chapter 7. Fees

§703. Fee Schedule for Fiscal Year 2004-2005

A. - E.3. ...

F. Pipeline Safety Inspection Fees

1. Owners/Operators of jurisdictional gas pipeline facilities are required to pay an annual Gas Pipeline Safety Inspection Fee of \$15 per mile, or a minimum of \$265, whichever is greater.

2. Owners/Operators of jurisdictional hazardous liquids pipeline facilities are required to pay an annual Hazardous Liquids Pipeline Safety Inspection Fee of \$15 per mile, or a minimum of \$265, whichever is greater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq., R.S. 30:560 and 706.

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 29:2501 (November 2003), LR 30:

§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-04/05 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-04/05) supercedes Statewide Order No. 29-R-03/04 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 29:2502 (November 2003), LR 30:

Family Impact Statement

In accordance with 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 Rule will have no effect on the stability of the family.

2. The proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The proposed Rule will have no effect on the functioning of the family.

4. The proposed Rule will have no effect on family earnings and family budget.

5. The proposed Rule will have no effect on the behavior and personal responsibility of children.

6. Family or local government is not required to perform any function contained in the proposed Rule.

Comments and views regarding the proposed fees will be accepted until 4:30 p.m., Tuesday, October 5, 2004, and 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. 04-765, Proposed Statewide Order No. 29-R-04/05).

A public hearing will be held at 9 a.m., Wednesday, September 29, 2004, 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-04/05 will replace the existing Statewide Order No. 29-R-03/04, which establishes the Office of Conservation Fee Schedule and will retain the maximum revenue caps authorized in R.S. 30:21 et seq. Fees for Production Fees, Class I, II, and III Injection Wells, and Type A and B Commercial Facilities will remain at the same level as those charged in FY 03/04. The Office of Conservation will collect roughly the same revenue for these fees in FY 04/05 as in FY 03/04, or approximately \$7,006,167.

Additionally, the passage of Act Nos. 222 and 223 of the 2004 Regular Legislative Session, authorizes the Office of Conservation to determine by rule annually, in accordance with the Administrative Procedure Act, the pipeline safety inspection fees charged for the miles of state regulated jurisdictional gas pipelines (R.S. 30:560) and state jurisdictional hazardous liquids pipelines (R.S. 30:706). Although the Office of Conservation is authorized to collect a "fee not to exceed \$22.40 per mile, or a minimum of \$400, whichever is greater" for these state jurisdictional gas and hazardous liquids pipelines, the Agency is proposing a FY 04/05 fee of only \$15.00 per mile, or a minimum of \$265, whichever is greater, which is the same level of fees charged in FY 03/04. The Office of Conservation will collect roughly the

same revenue in FY 04/05 for these fees as in FY 03/04, or approximately \$748,560.

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-04/05 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., R.S. 30:560, and R.S. 30:706, and is expected to reach approximately \$7,754,727 for FY 04/05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The passage of Statewide Order No. 29-R-04/05 will have no effect on competition and employment.

Felix J. Boudreaux Robert E. Hosse
Assistant Commissioner General Government Section Director
0408#068 Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Pardons**

Board Meetings (LAC 22:V.101)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Board of Pardons hereby proposes to amend its time for public meetings, which is referenced in LAC 22:V.101.A.

R.S. 15:572.1(C) allows the Louisiana Board of Pardons to meet on regularly scheduled dates determined by it. In LAC 22:V.101.A, the Board of Pardons previously chose to hold public meetings on the first Tuesday of each month. The new board will be meeting at the First Circuit Court of Appeal in Baton Rouge; however, the courthouse cannot accommodate this meeting time. Thus, the new board voted on June 1, 2004, to amend the Rule so that it may hold its public meetings at the First Circuit Court of Appeal.

Title 22.

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part V. Board of Pardons

Chapter 1. Applications

§101. General

A. The board shall meet on regularly scheduled dates as determined by it, and at such other times as the chairman may determine are necessary for the purpose of reviewing and taking action on applications for pardons pending before it and to transact such other business as it deems necessary. The calendar of fixed hearing dates and tentative dates shall be maintained at the Board of Pardons office and said calendar shall be available to the public. The hearing dates shall also be posted on the web site maintained by the board.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.1 and 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 24:1132 (June 1998).

Family Impact Statement

The proposed amendment to LAC 22:V.101.A, governing the public meeting time for the Louisiana Board of Pardons, 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 the following:

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 earning 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 Rule.

All interested persons may submit written comments on the proposed Rule through September 25, 2004, to Kristi Hagood, Department of Justice, P.O. Box 94005, Baton Rouge, LA 70804-9005.

Judge Ronald D. Cox
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Board Meetings**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule change, regarding the meeting time of the Board of Pardons, would have no implementation costs to the State or any local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change, regarding the meeting time of the Board of Pardons, would have no effect on revenue collections for the State or any local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule change, regarding the meeting time of the Board of Pardons, would have no costs and/or economic benefits to directly affected persons or non-governmental entities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change would have no effect on competition or employment.

Kristi D. Hagood Robert E. Hosse
Assistant Attorney General General Government Section Director
0408#80 Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Pardons**

Pardon or Commutation of Sentence (LAC 22:V.105)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Board of Pardons hereby proposes to amend the time periods in which inmates with life sentences may reapply for a

pardon or commutation of sentence, which is referenced in LAC 22:V.105.B.

R.S. 15:572.4(D) establishes the time periods in which inmates with life sentences have to wait to apply or reapply for a pardon or commutation of sentence. In Act. 331 of the 2004 Regular Session, the Louisiana State Legislature amended R.S. 15:572.4(D) to change the time periods in which inmates with life sentences may reapply for pardon or commutation of sentence after an application is denied. The bill was signed into law by Governor Kathleen Babineaux Blanco on June 18, 2004. The amended legislation is effective on August 15, 2004. Thus, the Louisiana Board of Pardons is amending LAC 22:V.105.B to comply with the newly amended R.S. 15:572.4(D).

Title 22.

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part V. Board of Pardons

Chapter 1. Applications

§105. Discretionary Powers of the Board

A.1. - 2. ...

B. Any applicant denied under Chapter 1 shall be notified, in writing, of the reason(s) for denial and thereafter may file a new application two years from the date of the letter of denial. Any applicant with a life sentence denied after August 15, 2004, may reapply seven years after the initial denial; five years after the subsequent denial; and every five years thereafter. However, the provisions of this Subsection shall not apply when the board determines that new and material evidence that, notwithstanding the exercise of reasonable diligence by the applicant, was not discovered before or during his trial, and if it had been introduced at the time, it would probably have changed the verdict or judgment of guilty.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 24:1132 (June 1998), LR 28:1026 (May 2002), LR 30:

Family Impact Statement

The proposed amendment to LAC 22:V.105.B, governing the time periods in which inmates with life sentences may reapply to the Board of Pardon for a pardon or commutation of sentence, 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 the following:

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 earning 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 Rule.

All interested persons may submit written comments on the proposed Rule through September 25, 2004, to Kristi

Hagood, Department of Justice, P.O. Box 94005, Baton Rouge, LA 70804-9005.

Judge Ronald D. Cox
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Pardon or Commutation of Sentence

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Board of Pardons may receive fewer applications from those inmates with life sentences because the amendment does not allow that class of inmate to apply as often. This rule may have an economic benefit in that it will likely reduce the number of applications to the Board of Pardons.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change would have no effect on revenue collections for the state or any local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule change would have no costs to directly affected persons or non-governmental entities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change would have no effect on competition or employment.

Kristi D. Hagood
Assistant Attorney General
0408#079

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Electronic Gaming Devices
(LAC 42:VII.2325, 2723, 4209, 4214, 4215;
IX.2723, 4103, 4204, 4209, 4214, 4215;
and XIII.2325, 2723, 4204, 4209, 4214, 4215)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:VII.2325, IX.4103, XIII.2325 and LAC 42:VII, IX, XIII.2723, 4204, 4209, 4214, 4215 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 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

- A. - D. ...
- E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)
* * *			
Chapter 42. Electronic Gaming Devices			

* * *			
4215	Analysis of Questioned Electronic Gaming Devices	\$20,000	12
* * *			

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 27:1321 (June 2000), amended LR 27:225 (December 2001), LR 28:1028 (May 2002), repromulgated LR 28:2371 (November 2002), amended LR 29:362 (March 2003), LR 30:

Chapter 27. Accounting Regulations

§2723. Internal Controls, Slots

A. - M.4. ...

5.a. system meter readings, recorded immediately prior to or subsequent to each slot drop.

b. upon receipt of the system meter reading summary, the accounting department shall review all meter readings for reasonableness using pre-established parameters;

c. system meter readings which do not appear reasonable shall be reviewed with slot department employees, and exceptions documented, so that meters can be repaired or clerical errors in the recording of meter readings can be corrected;

d. system meter readings shall be transferred daily to an off-site secured storage location, approved by the Division.

M.6. - P.2. ...

Q. Currency Acceptor Drop and Count Standards

1. - 21. ...

22. Access to all drop boxes regardless of type, full or empty shall be restricted to authorized members of the drop and count teams. In the case of an emergency drop however, including those for maintenance and repairs which require removal of the currency acceptor box, a slot technician, slot supervisor or other employee approved in writing by the division may have access to the drop boxes with a security escort. However, at no time shall the slot technician have access to the drop box contents key or deviate from normal drop procedures. At least one surveillance employee shall monitor the entire emergency drop process.

Q.23 - W.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Gaming Control Board, LR 26:751 (April 2000) amended LR: 26:2306 (October 2000), LR 30:

Chapter 42. Racetracks: Electronic Gaming Devices

§4204. Progressive Electronic Gaming Devices

A. - C.5. ...

D. Transferring of Progressive Jackpot Which Is In Play

1. A progressive jackpot which is currently in play may be transferred to another progressive EGD on the eligible facility in the event of:

a. ...

b. EGD replacement;

c. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

i. the licensee documents the distribution;

ii. any machine offering the jackpot to which the licensee distributes the incremental amount does not require

that more money be played on a single play to win the jackpot, than the machine from which the incremental amount is distributed;

iii. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

iv. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve; or

v. the division approves a reduction, elimination, distribution, or procedure not otherwise described in this subsection, which approval is confirmed in writing;

vi. licensees shall preserve the records required by this section for at least five years; or

d. other good reason deemed appropriate by the division or board to ensure compliance with this Chapter.

D.2. - J.1. ...

K. Security of Progressive Controller

1. - 2. ...

3. A slot supervisor or other employee approved in writing by the division shall have access to the progressive controller.

4. Repealed.

L. - M.1. ...

N. Licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless:

1. - 3. ...

4. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

a. - b. ...

c. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

N.4.d. - P.2. ...

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 26:775 (April 2000), amended LR 30:

§4209. Approval of New Electronic Gaming Devices

A. After completing its evaluation of the new EGD, the division shall determine whether the application for approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the division shall consider whether approval of the new EGD is consistent with this Chapter. Division approval of an EGD does not constitute certification of the device's safety.

1. - 1.d. ...

2. Testing

a. - i. ...

j. All EGD's offered for play shall be given a house number by the licensee. This house number shall not be altered or changed without prior written approval from the division. The licensee shall issue the house numbers in a systematic manner which provides for easy recognition and location of the device's location. This number shall be a part of the licensee's "On-Line Computer EGD Monitoring System," and shall be displayed, in part, on all on-line system reports. Each EGD shall have its respective house number and location code attached to the device in a manner

which allows for easy recognition by division personnel and surveillance cameras.

k. - s.iv. ...

t. Modifications to an EGD's program shall be considered only if the new program has been approved by the designated gaming laboratory, and approved in writing by the division for use in the state of Louisiana.

u. A licensee shall be allowed to test, on a limited basis, newly approved programs. The licensee shall file an EGD 96-01 Form and indicate in Field 21 that the request is for a 90-day trial period.

* * *

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 26:778 (April 2000), amended LR 30:

§4214. Maintenance of Electronic Gaming Devices

A. A licensee shall not alter the operation of an approved EGD except as provide otherwise in the board's rules and shall maintain the EGD's as required by this Chapter. Each licensee shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of parts that affect the game outcome, and any other maintenance activity on the EGD, and shall make the list available for inspection by the division upon request. The written list of repairs shall be logged in the machine M.E.A.L. book which shall be kept in the EGD.

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 26:785 (April 2000), amended LR 30:

§4215. Analysis of Questioned Electronic Gaming Devices

A. If the operation of any EGD is questioned by any licensee, patron or an agent of the division and the question cannot be resolved, the questioned device will be examined in the presence of an agent of the division and a representative of the licensee. If the malfunction can not be cleared by other means to the satisfaction of the division, the patron and the licensee, the EGD will be subjected to a program storage media memory test to verify "signature" comparison by the division. While waiting for the division agent to test the EGD, the EGD will be removed from service and shall not be tampered with by any person until examined by a division agent.

B. ...

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 26:785 (April 2000), amended LR 30:

Part IX. Landbased Casino Gaming

Subpart 1. Economic Development and Gaming Corporation

Chapter 27. Accounting Regulations

§2723. Internal Controls; Slots

A. - M.4. ...

5.a. system meter readings, recorded immediately prior to or subsequent to each slot drop;

b. upon receipt of the system meter reading summary, the accounting department shall review all meter

readings for reasonableness using pre-established parameters;

c. system meter readings which do not appear reasonable shall be reviewed with slot department employees, and exceptions documented, so that meters can be repaired or clerical errors in the recording of meter readings can be corrected;

d. system meter readings shall be transferred daily to an off-site secured storage location, approved by the division.

M.6. - P.2. ...

Q. Currency Acceptor Drop and Count Standards

1. - 21. ...

22. Access to all drop boxes regardless of type, full or empty shall be restricted to authorized members of the drop and count teams. In the case of an emergency drop however, including those for maintenance and repairs which require removal of the currency acceptor box, a slot technician, slot supervisor or other employee approved in writing by the division may have access to the drop boxes with a security escort. However, at no time shall the slot technician have access to the drop box contents key or deviate from normal drop procedures. At least one surveillance employee shall monitor the entire emergency drop process.

Q.23 - W.4. ...

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 25:1936 (October 1999), amended LR:26:2306 (October 2000), LR 30:

Chapter 41. Enforcement Actions

§4103. Enforcement Actions of the Board

A. - B. ...

C. Penalty Schedule

Penalty Schedule			
Section Reference	Description	Base Fine	Proscriptive Period (Months)
* * *			
Chapter 42. Electronic Gaming Devices			
* * *			
4215	Analysis of Questioned Electronic Gaming Devices	\$20,000	12
* * *			

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 25:1954 (October 1999), amended LR 26:2307 (October 2000), LR 27:2255 (December 2001), repromulgated LR 28:344 (February 2002), amended LR 28:1029 (May 2002), LR 29:2507 (November 2003), LR 30:

Chapter 42. Electronic Gaming Devices

§4204. Progressive Electronic Gaming Devices

A. - C.5. ...

D. Transferring of progressive jackpot which is in play:

1. A progressive jackpot which is currently in play may be transferred to another progressive EGD in the casino in the event of:

a. ...

b. EGD replacement;

c. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

i. the casino operator or casino manager documents the distribution;

ii. any machine offering the jackpot to which the casino operator or casino manager distributes the incremental amount does not require that more money be played on a single play to win the jackpot, than the machine from which the incremental amount is distributed;

iii. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

iv. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve; or

v. the division approves a reduction, elimination, distribution, or procedure not otherwise described in this subsection, which approval is confirmed in writing;

vi. licensees shall preserve the records required by this section for at least five years; or

d.. other good reason deemed appropriate by the division to ensure compliance with this LAC 42:IX.Chapter 42.

D.2. - J.1. ...

K. Security of Progressive Controller

1. - 2. ...

3. A slot supervisor or other employee approved in writing by the division shall have access to the progressive controller.

4. Repealed.

L. - M.1. ...

N. The casino operator or casino manager shall not reduce the amount displayed on a progressive jackpot meter or otherwise eliminate a progressive jackpot unless:

1. - 3. ...

4. the casino operator or casino manager distributes the incremental amount to another progressive jackpot at the casino Operator or casino manager's establishment and:

a. - b. ...

c. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

N.4.d. - P.2. ...

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 26:2311 (October 2000), amended LR 30:

§4209. Approval of New Electronic Gaming Devices

A. After completing its evaluation of the new EGD, the division shall determine whether the application for Approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the division shall consider whether approval of the new EGD is consistent with this Chapter. Division approval of an EGD does not constitute certification of the device's safety.

1. - 1.d. ...

2. Testing

a. - i. ...

j. All EGD's offered for play shall be given a "house number" by the casino operator or casino manager.

This house number shall not be altered or changed without prior written approval from the division. The casino operator or casino manager shall issue the "house numbers" in a systematic manner which provides for easy recognition and location of the device's location. This number shall be a part of the casino operator or casino manager's "on-line computer EGD monitoring system," and shall be displayed, in part, on all on line system reports. Each EGD shall have its respective house number and location code attached to the device in a manner which allows for easy recognition by division personnel and surveillance cameras.

k. - s.iv. ...

t. Modifications to an EGD's program shall be considered only if the new program has been approved by the designated gaming laboratory, and approved in writing by the division for use in the state of Louisiana.

u. A casino operator or casino manager shall be allowed to test, on a limited basis, newly approved programs. The casino operator or casino manager shall file an EGD 96-01 form and indicate in Field 21 that the request is for a 90 day trial period.

v. - jj.i. ...

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 26:2314 (October 2000), amended LR 30:

§4214. Maintenance of Electronic Gaming Device

A. The casino operator or casino manager shall not alter the operation of an approved EGD except as provided otherwise in the board's rules and regulations and shall maintain the EGD's as required in this Chapter. The casino operator or casino manager shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of parts that affect the game outcome, and any other maintenance activity on the EGD, and shall make the list available for inspection by the division upon request. The written list of repairs shall be logged in the machine M.E.A.L. book which shall be kept in the EGD.

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 26:2320 (October 2000), amended LR 30:

§4215. Analysis of Questioned Electronic Gaming Devices

A. If the operation of any EGD is questioned by any casino operator or casino manager, patron or an agent of the division and the question cannot be resolved, the questioned device shall be examined in the presence of an agent of the division and a representative of the casino operator or casino manager. If the malfunction can not be cleared by other means to the satisfaction of the division, the patron or the casino operator or casino manager, the EGD shall be disabled and be subjected to a program storage media memory test to verify signature comparison by the division. While waiting for the division agent to test the EGD, the EGD will be removed from service and shall not be tampered with by any person until examined by a division agent. Upon successful verification of the signature of the program storage media, and all malfunctions resolved, the EGD in question may be enabled for patron play.

B. ...

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 26:2320 (October 2000), amended LR 30:

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

- A. - D. ...
- E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)

Chapter 42. Electronic Gaming Devices			

4215	Analysis of Questioned Electronic Gaming Devices	\$20,000	12

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 Gaming Control Board, LR 26:1318 (June 2000), LR 27:2255 (December 2001), LR 28:1029 (May 2002), LR 29:363 (March 2003), LR 30:

Chapter 27. Accounting Regulations

§2723. Internal Controls; Slots

- A. - M.4. ...

5.a. system meter readings, recorded immediately prior to or subsequent to each slot drop;

b. upon receipt of the system meter reading summary, the accounting department shall review all meter readings for reasonableness using pre-established parameters;

c. system meter readings which do not appear reasonable shall be reviewed with slot department employees, and exceptions documented, so that meters can be repaired or clerical errors in the recording of meter readings can be corrected;

d. system meter readings shall be transferred daily to an off-site secured storage location, approved by the Division.

- M.6. - P.2. ...

- Q. Currency Acceptor Drop and Count Standards

- 1. - 21. ...

22. Access to all drop boxes regardless of type, full or empty shall be restricted to authorized members of the drop and count teams. In the case of an emergency drop however, including those for maintenance and repairs which require removal of the currency acceptor box, a slot technician, slot supervisor or other employee approved in writing by the division may have access to the drop boxes with a security escort. However, at no time shall the slot technician have access to the drop box contents key or deviate from normal drop procedures. At least one surveillance employee shall monitor the entire emergency drop process.

- Q.23. - W.4. ...

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 25:2243 (November 1999), LR 26:2306 (October 2000), LR 30:

Chapter 42. Electronic Gaming Devices

§4204. Progressive Electronic Gaming Devices

- A. - C.5. ...

- D. Transferring of Progressive Jackpot Which Is in Play

1. A progressive jackpot which is currently in play may be transferred to another progressive EGD on the riverboat in the event of :

- a. ...

- b. EGD replacement;

c. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

- i. the licensee documents the distribution;

ii. any machine offering the jackpot to which the licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot, than the machine from which the incremental amount is distributed;

iii. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

iv. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve; or

v. the division approves a reduction, elimination, distribution, or procedure not otherwise described in this subsection, which approval is confirmed in writing;

vi. licensees shall preserve the records required by this section for at least five years; or

d. other good reason deemed appropriate by the Division to ensure compliance with this LAC 42:XIII.Chapter 42.

- D.2. -J.1. ...

- K. Security of Progressive Controller

- 1. - 2. ...

3. A slot supervisor or other employee approved in writing by the division shall have access to the progressive controller.

- 4. Repealed.

- L. - M.1. ...

N. Licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless:

- 1. - 3. ...

4. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

- a. - c. ...

d. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and

- N.4.c. - P.2. ...

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 26:718 (April 2000), amended LR 30:

§4209. Approval of New Electronic Gaming Devices

A. After completing its evaluation of the new EGD, the division/board shall determine whether the application for approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the division/board shall consider whether approval of the new EGD is consistent with LAC 42:XIII.Chapter 42. division/board approval of a EGD does not constitute certification of the device's safety.

1. - 9. ...

10. All EGD's offered for play shall be given a "House Number" by the licensee. This house number shall not be altered or changed without prior written approval from the division. The licensee shall issue the "House Numbers" in a systematic manner which provides for easy recognition and location of the device's location. This number shall be a part of the licensee's "On-Line Computer EGD Monitoring System," and shall be displayed, in part, on all on-line system reports. Each EGD shall have its respective house number and location code attached to the device in a manner which allows for easy recognition by division personnel and surveillance cameras.

11 - 19. ...

20. Modifications to an EGD's program shall be considered only if the new program has been approved by the designated gaming laboratory, and approved in writing by the division for use in the state of Louisiana.

21. A licensee shall be allowed to test, on a limited basis, newly approved programs. The licensee shall file an EGD 96-01 Form and indicate in Field 21 that the request is for a 90-day trial period.

22. - 36.a. ...

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 26:721 (April 2000), amended LR 30:

§4214. Maintenance of Electronic Gaming Devices

A. A licensee shall not alter the operation of an approved EGD except as provide otherwise in the Division/Board's rules and shall maintain the EGD's as required in LAC 42:XIII.Chapter 42. Each licensee shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of parts that affect the game outcome, and any other maintenance activity on the EGD, and shall make the list available for inspection by the division upon request. The written list of repairs shall be logged in the machine M.E.A.L. book which shall be kept in the EGD.

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 26:727 (April 2000), amended LR 30:

§4215. Analysis of Questioned Electronic Gaming Devices

A. If the operation of any EGD is questioned by any licensee, patron or an agent of the division/board and the question cannot be resolved, the questioned device shall be examined in the presence of an agent of the division and a representative of the licensee. If the malfunction can not be

cleared by other means to the satisfaction of the division/board, the patron or the licensee, the EGD shall be disabled and be subjected to a program storage media memory test to verify "signature" comparison by the division. While waiting for the division agent to test the EGD, the EGD will be removed from service and shall not be tampered with by any person until examined by a division agent. Upon successful verification of the signature of the program storage media .and all malfunctions resolved. the EGD in question may be enabled for patron play.

B. ...

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 26:727 (April 2000), amended LR 30:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board through its chairman, has considered the potential family impact of amending LAC 42:VII.2325; IX 4103; XIII.2325; and VII, IX, XIII.2723, 4204, 4209, 4214, and 4215.

It is accordingly concluded that amending LAC 42:VII.2325; IX.4103; XIII.2325; and VII, IX, XIII.2723, 4204, 4209, 4214, and 4215 would appear to have a positive yet inestimable impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education a supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the 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.

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 326-6500, and may submit comments relative to this proposed Rule, through September 9, 2004, to 1885 North Third Street, Suite 500, Baton Rouge, LA 70802.

H. Charles Gaudin
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Electronic Gaming Devices

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs to state or local government units estimated.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no determinable 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)

No significant costs and/or economic benefit to directly affected persons or non-governmental groups is estimated, except that amendments to VII, IX and XIII.2723M. will result in estimated cost savings to the industry in the approximate amount of \$209,000 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

No significant effect on competition or employment is estimated.

H. Charles Gaudin
Chairman
0408#057

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Compulsory Insurance
(LAC 55:III.Chapter 17)

Notice is hereby given that the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles, proposes to adopt new rules relating to notification of the initiation, termination, or modification of liability security pursuant to Louisiana Revised Statutes 32:863.2, and to repeal the existing rules contained in Title 55:III.Chapter 17, Subchapter B of the Louisiana Administrative Code. These rules implement the significant change to the acceptable reporting method by providers of automobile liability insurance for compliance with Louisiana's compulsory insurance law. La R.S. 32:861 et seq.

The Fiscal and Economic Impact Statement for Administrative Rules has been approved by the Legislative Fiscal Office and is attached to this notice of intent.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 17. Compulsory Insurance

**Subchapter B. Specifications for Notification of
Initiation, Termination, or Modification
of Liability Security**

§ 1750. Definitions

A. As used in this Subchapter, the following terms have the meanings described below.

Account Number/User-ID The unique identifier assigned by Global Services to each servicing agent. This code identifies the mailbox for the reporting entity and is also used by Global Services for billing.

Business Days Business days are Monday through Friday, between 8:00 a.m. and 4:30 p.m. central time. Business days do not include Saturday, Sunday or state holidays, or any other holiday declared by the Governor.

Change in Coverage A change in coverage shall be considered either an initiation of coverage or a termination of coverage based on the nature of the change. The addition of a vehicle to a liability security policy shall be considered an initiation of coverage. The deletion of a vehicle from a liability security policy shall be considered a termination of coverage. The replacement of a covered vehicle with another vehicle in a liability security policy shall be considered both a termination of coverage for the replaced vehicle and an initiation of coverage for the replacement vehicle. Renewals, without a lapse in coverage, shall not be reported. Renewals in which only the policy number changes shall not be reported. Changes in coverage not related to the vehicle liability security being issued, procured, recalled, reinstated,

terminated, canceled, or changed from binder status to an active policy number shall not be reported.

Department Department of Public Safety and Corrections.

Duplicate Record Any record reported with the same information (insurance company code, vehicle identification number, termination-or-change-or-effective-date, and transaction-type) as a record already in the Department's insurance system is a duplicate record and will be rejected. (disposition code "D").

Edit Error A record submitted by an insurance company or servicing agent unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the key data fields is an edit error. Key data fields are identified and detailed in the technical filing specifications. Any record which is returned to an insurance company or servicing agent as an edit error is not a filing. The record shall be corrected and re-reported within 15 business days of the return-date. (disposition code "E")

Edit Error Mask The field within each type of record (Header, Individual Vehicle and Fleet) that is used to identify fields that failed to pass the edits. When the disposition code is "E" the edit-error-mask field will identify which fields failed to pass the edits (1) and which fields are edit error free (0).

Fleet Policy A policy insuring a business with a fleet of five or more vehicles registered in Louisiana for which vehicle identification number information is not maintained on each vehicle. If the insurance company maintains the vehicle identification number of each vehicle within the fleet, the filing must be reported on each vehicle.

Hit A record submitted by an insurance company or servicing agent which matches a department's vehicle registration record and is an acceptable record (disposition code "H").

Incorrect Type-Use The reported vehicle is exempt from the Compulsory Motor Vehicle Liability Security Law because of the "type use" or "class" of vehicle. This record is not updated to the system. Do not resubmit this record. (disposition code "I")

Initiation of Coverage The issuing or making of a liability security policy, liability bond, deposit or other security.

Insurance Company Code A unique number assigned to each insurance company. The National Association of Insurance Commissioners Code (NAIC code) or a temporary identification number assigned by the Department to an insurance company for the purpose of R.S. 32:863.2 of the Compulsory Motor Vehicle Liability Security Law will be used.

Lapse When a vehicle liability security policy is not in effect for more than 10 days.

No-Hit A record submitted by an insurance company or service agent which does not match a Department vehicle registration record and which does not pass the VINA check. The filing record must be corrected and resubmitted within 15 business days of the return-date. (disposition code "U").

Non-Renewal A non-renewal of a motor vehicle liability insurance policy shall include:

(a) a refusal by the insurer to issue a superseding policy or a renewal of such policy,

(b). a request by the insured that a superseding policy not be issued or such policy not be renewed, or

(c). a failure of the insured to make the premium payment due upon a superseding policy or on a renewal of such policy offered by the insurer. Non-renewals are to be reported in the same manner as cancellations or terminations.

Notification The furnishing of information by a security provider to the department concerning liability security or lack of liability security on a motor vehicle, or a change or correction of data concerning the item of security, the vehicle or the lessee or owner, as required by d R.S. 32:863.2 of the Motor Vehicle Liability Security Law and these rules and regulations.

Out-of-Sequence Error The records submitted are not in chronological order. For example the cancellation is reported prior to the initiation. This record is unacceptable for filing purposes and is returned to the insurance company. Records shall be reported in chronological order. (disposition code "S").

Owner The name of the legal lessee or owner as obtained by the security provider from the vehicle registration certificate.

Owner ID Number Driver's license number for an individual, lessee or owner, the left most 9 characters of the driver's license number or federal tax identification number for the lessee or owner such as a corporation, an estate, etc.

Policy Number The number of the policy that the vehicle is insured under. The insurance company will maintain a list of policy numbers and effective dates for each vehicle or fleet reported.

Prescribed The record submitted is over 18 months old. There is an 18 month difference between the TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE or ISSUE-DATE and the date this record was received by the Department. This record is not updated to the system. Do not resubmit this record. (disposition code "P").

Recall of Notification A record submitted to the Department by a security provider or servicing agent, which rescinds a record previously submitted to the Department in error. The recall record fields match the original record fields except for the transaction-type.

Record Insurance information pertaining to the items required by law and these rules and regulations for an individual vehicle or fleet coverage.

Return Filing Report A report prepared by the Department for an insurance company or servicing agent following completion of processing (editing of data and record matching) containing the disposition of each record. It is the responsibility of the insurance company or servicing agent to review and take the necessary corrective action as required by these rules and regulations. If the return report contains only the header record, that record was submitted with incorrect or missing information. In this case, the header record must be corrected and all of the filing records must be resubmitted. None of the filing records submitted with an incomplete or incorrect header record will be accepted.

Restricted Hit A record submitted by an insurance company or service agent which does not match a Department vehicle registration record but which does pass

the VINA edit check. These records do not need to be re-reported. (disposition code "R").

Return Date The department will provide a return date in its filing report. The return date will be the date the department writes the filing report and will equal the date in the date-processed field of the trailer record.

Security Provider A liability insurance company or other provider of liability security required under the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et. seq.).

Service Agent Any person or organization duly designated by an insurance company to prepare, transmit or deliver records on behalf of such insurance company.

Service Agent Code A number assigned to each service agent. Either the National Association of Insurance Commissioners Code (NAIC code) or a temporary identification number assigned by the department will be used.

Termination/Cancellation of Liability Security Any cancellation or termination of liability security on a motor vehicle (whether caused by the insurer or insured).

Timely Filing Notification received within 15 business days from the effective date when a vehicle's liability security policy is issued, procured, recalled, reinstated, terminated, canceled, or changed from binder status to active policy number.

VINA Routine used to compute the vehicle identification number check digit for 1981 or newer vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1751. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1770 (September 1998), repealed LR 30:

§1752. Introduction

A. Effective July 1, 1998, security providers shall report to the Department of Public Safety and Corrections, office of Motor Vehicles, certain information, on a vehicle by vehicle basis, with certain exceptions, in accordance with the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.) "The Compulsory Security Law" and with these rules and regulations regarding the initiation of liability coverage.

B. Effective July 9, 1998, security providers shall report to the Department of Public Safety and Corrections, Office of Motor Vehicles, certain information, on a vehicle by vehicle basis, with certain exceptions, in accordance with the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.) "The Compulsory Security Law" and with these rules and regulations regarding the termination, withdrawal, cancellation, lapsing, or otherwise rendering ineffective of liability coverage.

C. As required by law and these rules and regulations, reports must be made to the department whenever liability security on a vehicle is issued, procured, recalled, reinstated, terminated, canceled, or changed from binder status to an active policy number.

D. Such information must be transmitted to the department in an efficient and timely manner in accordance with these Rules and Regulations.

E. Insurance companies shall not provide information to the department except as required by law or these rules and regulations. Examples of information which will not be submitted to the department include, but are not limited to, the following:

1. information on non-liability coverage such as collision and comprehensive policies;
2. information on liability policies not in compliance with the Compulsory Security Law (such as umbrella policies with excess coverage and non-ownership policies);
3. addition or deletion of other drivers;
4. change of policy number;
5. invalid type use or class.

F. The purpose of the information required is to enforce the Motor Vehicle Safety Responsibility Law, R.S. 32:851 et seq., and particularly the Compulsory Security Law, R.S. 32:861 et seq. Consistently with this purpose, the information maintained by the department will be provided to a person making proper written request under R.S. 32:863.2.C. Information will be provided on a single individual or vehicle basis only. In order to preserve the proprietary information of insurance companies, insurance coverage information compiled by company or by zip code, for example, will not be made available to inquirers, nor will the department develop or maintain any composite list by insurance company or insurance company identifier except by count of disposition codes. The department will cooperate fully with the insurance industry in preserving the security of customer lists and related data.

G. The intent of these rules and regulations is to provide a mechanism whereby the liability security coverage for each vehicle subject to the Compulsory Security Law is identified, with the least necessary intrusion into the proprietary interests of liability security providers. To that end the department, responding to the expressed concerns of the insurance industry, has attempted to eliminate unnecessary redundancy in the data required to be reported. To the extent that any adjustments are required in the scope of reportable information, the department solicits the continuing active cooperation of the insurance industry in maintaining the effective operation of the Compulsory Security Law.

H. These rules and regulations permit adjustments to technical specifications. Security Providers will be advised by mail (postal, electronic, or both) of any changes in the technical specifications of this Section. The department will always attempt to give 90 days notice of these adjustments so that the security provider may have enough time to implement the changes, however, legislative changes or other circumstances may result in notice of less than 90 days. Such mailings may be called "advisory bulletins" or "memorandums" from the Commissioner of the Office of Motor Vehicles. These bulletins or memorandums may also contain clarifications, helpful hints, and such additional information as may be deemed applicable to compliance with the Compulsory Security Law. Moreover, in the event that an unusual situation is not covered by these regulations, a reasonable procedure consistent with the Compulsory Security Law will be followed.

I. In cases where, after written notice, a Security Provider continually fails to supply the information required by R.S. 32:863.2 and these rules and regulations, fees as provided by that statute may be imposed. A Security Provider will not be charged a fee for providing data based on a reasonable assumption, such as assuming in good faith that the owner's driver's license number is the same as the named insured's driver's license number. Special consideration shall be given to unusual problems in compliance, proved in writing.

J. A security provider must notify the department after motor vehicle liability security is issued, procured, recalled, reinstated, terminated, canceled, or changed from binder status to an active policy number. For initiations such notification shall be made within 15 business days of the issue date. For terminations such notification shall be made within 15 business days of the effective date of the termination. Notification shall be made in the form required by the department as set forth in these Rules and Regulations. A separate notice shall be submitted for each vehicle. Failure to properly notify the department may result in the assessment of fees as described in LAC 55, Part III, Chapter 17, Subchapter B §1752(I).

K. Procedural questions concerning this regulation should be referred to:

1. Mailing Address:
Louisiana Department of Public Safety and Corrections
Office of Motor Vehicles
P.O. Box 64886
Baton Rouge, Louisiana 70896
Attention: Compulsory Insurance Unit
2. Phone Number: 225-925-7285 or 225-925-6983
3. Fax Number: 225-922-0158

L. Technical questions concerning this regulation should be referred to:

1. Mailing Address:
Louisiana Department of Public Safety and Corrections
Data Processing Center
8001 Independence Boulevard
Baton Rouge, Louisiana 70806
Attention: DMB Project Leader
2. Phone Number: 225-925-6246
3. Fax Number: 225-925-4019

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1753. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1771 (September 1998), repealed LR 30:

§1754. General Information

A. Correcting No-Hits. A "Hit" is based on the vehicle identification number. When the vehicle identification number does not match with the department's vehicle registration records and fails the VINA check, the record is coded "No-Hit" (disposition "U"). In accordance with these Rules and Regulations, the security provider (insurance company) has 15 business days from the return date of the filing to correct the vehicle identification number information and resubmit. If a company provides a vehicle identification number for a 1981 or newer vehicle and the

department's VINA check determines that the vehicle identification number is valid, but the vehicle identification number is not available from the department's vehicle registration records, the record is returned as a "Restricted Hit" (disposition "R").

B. Reporting An Initiation of Coverage and Cancellation of Coverage at the Same Time. The last record received from a company for a vehicle is considered to reflect the status of the vehicle with the company. Multiple filings for a single vehicle having the same company code and owner-ID will result in the last record received being maintained by the department. Receiving records out of order remains a problem with many companies and may result in cancellation notices being sent to individuals who have insurance. All records must be submitted in chronological order.

C. Recalling Notification. When a security provider discovers that a cancellation or initiation of coverage was reported by mistake, the security provider shall submit to the department a notice of recall of notification. All of the data except the transaction type shall be the same as originally submitted in order to match the recall with the notification.

D. Warning on Notice of Acknowledgment of Termination to Insured. The Notice of Acknowledgment of Termination sent to an insured shall contain the following warning notice. If you do not keep your liability insurance in force during the entire registration period, your registering privileges will be subject to revocation. By law your insurance carrier is required to report specific termination information to the Commissioner of the Department of Public Safety and Corrections.

E. Timely Insurance Filings. In accordance with these Rules and Regulations, the Security Provider must notify the department after motor vehicle security is begun or ended or issued, procured, recalled, reinstated, terminated, canceled, or changed from a binder status to an active policy number. Such notification must be made within 15 business days from the date such policy was issued or made. Such notification must be made within 15 business days from the effective date of the termination. The security provider has 15 business days from receipt of the department's returned filings to correct any "No-Hit" records and resubmit. Initiation filings received prior to the issue date will result in an edit error (disposition "E"). Termination filings received prior to the effective date will result in an edit error (disposition "E"). An edit error is not an acceptable filing. Edit errors must be corrected and resubmitted.

1. An initiation filing will be considered late if the date received is more than 15 business days after the issue date. A termination filing will be considered late if the date received is more than 15 business days after the effective date of the termination. Any filings considered late will be returned with the Late-Flag set to "Y".

2. Possible Policy Scenarios: If a policy lapses and is then later reinstated, with a lapse, submit a termination. Whenever the policy is re-issued, send in the initiation with the new initiation date, not the date that the policy was initially issued.

a. If a policy lapses and is reinstated without a lapse, if a termination has been submitted, recall the termination.

b. If a policy lapses and is reinstated without a lapse, and a termination was not submitted, no filings are required.

c. If the policy number changes or if the policy is renewed without any vehicle or company (NAIC number) changes, then a filing is not required.

3. The department will monitor this area of the reporting requirements. Those security providers who violate this provision will be subject to possible fee assessments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1755. Failure to Comply with Reporting Requirements Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1771 (September 1998), repealed LR 30:

§1756. Manual Filings

A. Effective January 1, 2005 the department will no longer accept manual filings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1757. Questions Regarding Procedures and Technical/Data Issues

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:

§1758. Fleet Filings

A. Eligibility. Any insurance company writing motor vehicle liability insurance in Louisiana and insuring a fleet of five or more vehicles registered in Louisiana for which vehicle identification number information is not maintained on each vehicle must electronically report said fleet coverage as specified in these rules and regulations. If the insurance company maintains the vehicle identification number of each vehicle within the fleet, the filing must be reported on each vehicle.

B. Conditions of Filing. A security provider must notify the department after motor vehicle liability security is begun, ended, or in certain ways modified. Such notification shall be made within 15 business days of the issue date of the initiation of coverage and within 15 business days of the effective date of the termination of coverage. After the initiation has been reported, the cancellation is not to be reported until the entire fleet policy has been canceled. (Do not report the addition or deletion of individual vehicles.)

C. Format. Each notification must be transmitted electronically using the formats provided in these Rules and Regulations.

D. Number of Vehicles. The estimated number of vehicles in a fleet is reported in lieu of vehicle identification number information on a vehicle by vehicle basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1759. Match Rate and Reporting Period

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:

§1760. Fee Assessments

A. Failure to report the required information and/or failure to report the required information timely can result in the insurance company being assessed a fee. If more than 5 percent of acceptable filings (disposition codes Hit and Restricted Hit) are considered late, a fee of \$50 may be assessed for each of these late filings. A fee of \$50 may be assessed for each failure to report.

B. This state's vehicle registration records will be checked against liability security insurance records on an on going basis. Fees will be assessed to those companies in non-compliance with the statute and these rules and regulations. Further, in cooperation with the Department of Insurance, continuous violations and non-compliance could result in additional administrative or judicial action.

C. Fees will not be assessed to those security providers who continue to report all insured vehicles, report in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1761. Credit for Correcting Unresolved No-Hits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:

§1762. Transaction Types And How They Are Used

A. Described below are the transaction types and how each may be used.

1. 0-Termination: A termination or cancellation notice is submitted whenever liability security is canceled or terminated.

2. 1-Recall Of Termination: The recall of transaction type "0" is used whenever a cancellation notice has previously been submitted in error.

a. Example: A cancellation notice was incorrectly reported. The cancellation date was reported as February 2 instead of February 13. A recall of the February 2 cancellation notice is submitted followed by a cancellation notice having a canceled date of February 13.

3. 6-Termination For NSF Check: A termination or cancellation notice pursuant to this code is submitted whenever a Security Provider backdates the effective date of a cancellation because the insured paid with a check that was returned by the bank more than fifteen days after the effective date of the policy.

4. 7-Termination for Rescinded/Canceled Sale: A termination or cancellation notice is submitted whenever liability security is canceled or terminated as a result of a rescinded or canceled sale of the vehicle.

5. A-Initiation: An initiation notice is submitted whenever liability security is initiated (new business) on a

vehicle. If there is a lapse in coverage, a termination notice must be submitted followed by an initiation notice showing the new initiation or reinstated date.

6. B-Recall of Initiation: The recall of transaction type "A" is used whenever an initiation notice was submitted in error.

a. Example: An initiation notice was incorrectly reported. The starting date was reported as February 2 instead of February 13. A recall of the February 2 initiation notice is submitted followed by an initiation notice having a starting date of February 13.

7. F-Change: A change notice is submitted only for changing the policy number from "BINDER" to an active policy number.

a. Example: An initiation notice was submitted with a policy number of "binder." A change notice is submitted with an active policy number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1763. Reporting an Initiation of Coverage and Cancellation of Coverage at the Same Time

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:

§1764. Disposition Codes

A. Described below are the disposition codes returned and how they are used:

1. D-Duplicate Reporting: This record was previously reported to the Department with the same information. This record has been rejected by the Department. It is not necessary to re-report the same record again after it was successfully reported.

2. E-Edit Error: This record is not acceptable due to the absence of information in a required field or invalid information in a field. This record has been rejected by the department. The "edit-error-mask" field needs to be evaluated to determine the field(s). After the field(s) have been corrected this record shall be re-reported.

3. H-Hit: This record has been accepted by the department. This record's vehicle identification number matches a vehicle that requires compulsory liability security and is currently registered in Louisiana.

4. I-Incorrect vehicle "type use" or "class": This record has been rejected by the department. The "type use" or "class" of this vehicle record is such that it does not have to be reported to the department. An example of this type of vehicle is a trailer.

5. P-Prescribed: This record is not acceptable because the date in the "termination-or-change-or-effective-date" or "issue-date field" is more than 18 months old. This record has been rejected by the department.

6. R-Restricted Hit: This record has been accepted by the department. The vehicle identification number of this record does not match a vehicle currently registered in Louisiana that requires compulsory insurance; however, the vehicle identification number reported passes the VINA edit routine. This record should be verified using the Vehicle Registration Certificate.

7. S-Sequence Error: This record has been rejected by the Department. The record has been reported out of sequence. Examples are: reporting a transaction type "O" (termination) prior to having reported a transaction type "A" (initiation). Records shall be reported in chronological order.

8. U-No-Hit: This record has been rejected by the department. The vehicle identification number of this record does not match a vehicle currently registered in Louisiana. The vehicle identification number does not pass the VINA edit routine. This record should be verified using the vehicle registration certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1765. Recalling Notification by Security Provider

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:

§1766. Contact Person Information

A. Certain information is needed periodically by this agency to facilitate communication with Security Providers. The contact information sheet is to be completed and returned to the department during the month of January each year and whenever there is a change involving contact personnel. A contact information sheet shall be submitted for each insurance company.

1. Please furnish the name of the representative responsible for compliance:

- a. Administrative reporting requirements
- b. Information Technology/Information Services/Data Processing
- c. Commercial lines
- d. Personal lines
- e. Fleet filings
- f. Other personnel responsible for filings or fee assessments

B. Contact Person Information Sheet

CONTACT PERSON INFORMATION SHEET
 LA. OFFICE OF MOTOR VEHICLES
 COMPULSORY INSURANCE UNIT
 P.O. BOX 64886
 BATON ROUGE, LA 70896

Certain updated information is needed periodically by this agency in order for us to contact the correct person within your insurance company to provide the most updated information or to correct problem areas.

The contact information sheet is to be completed and returned to this department. The contact sheet must be submitted during the month of January each year and whenever there is a change in any of your company's contact personnel.

A contact information sheet must be submitted for each insurance company.

Please furnish the name of the representative responsible for compliance with administrative reporting requirements, data processing, commercial lines, personal lines, fleet filings, and other personnel responsible for filings or fee assessments.

This information will assist us in contacting your company's representative(s) in regard to specific compliance regulations.

NAIC# NAME OF INSURANCE COMPANY

ADMINISTRATIVE COMPLIANCE	DATA PROCESSING
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE: ()	PHONE: ()
FAX: ()	FAX: ()
E-MAIL ADDRESS:	E-MAIL ADDRESS:

AREA OF RESPONSIBILITY	AREA OF RESPONSIBILITY
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE: ()	PHONE: ()
FAX: ()	FAX: ()
E-MAIL ADDRESS:	E-MAIL ADDRESS:

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1767. Warning on Notice of Acknowledgment of Termination to Insured

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:

§1768. Reporting Instructions

A. The Louisiana Department of Public Safety and Corrections utilizes Global Service's "information exchange" service as the method of exchanging electronic data for compulsory liability insurance reporting. The "information exchange" service will allow secure electronic data transfer between the department and each Insurance company. The following outlines steps necessary to begin participating in this electronic transfer. Assistance in implementing the insurance company's part of this electronic relationship will be provided by the Marketing and Enabling Support function of Global Services which can be reached at 800-655-8865. When contacting Global Service's, the call relates to the State of Louisiana project, number 735. The department's mailbox (account number/user-id) is: "LAPS/LAPSS01" for test; "LAPS/LAPSS02" for production.

B. Network Connectivity/Mailbox. Security Providers that currently have connectivity to the Global Network, either through Insurance Value Added Network Services ("IVANS" phone number 800-548-2675) or directly, must ensure that their network account is attached to the Information Exchange service. Marketing and Enabling Support can verify this for you. If you do not currently have an account on the Global Network, or if you currently access a mailbox for which restrictions prevent use of that mailbox in this effort, you will need to obtain an account. Please contact Marketing and Enabling Support at the number noted above.

C. Cost Information. Information for costs related to participation in this activity (network charges, software charges, etc.) will be provided by the individuals/groups noted above. Costs incurred through participation in this electronic transfer of data will be the responsibility of the filing Security Provider, not the Department.

D. After contacting Global Network, please provide the department at (225) 925-6246 with the NAIC number, account number, and user ID.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1769. Timely Insurance Filings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1773 (September 1998), repealed LR 30:

§1770. General Information

A. The acceptable method for reporting to the department will be via the Global Network's Information Exchange (IE) system. All record formats for electronic transfer will be as described below in the section entitled "record formats."

B. A test filing shall be submitted for all new companies. A test filing shall also be submitted when record format changes are made. Please ensure that the test files are sent to the test mailbox (LAPS/LAPSS01) and that all testing has been completed before sending a file to the production mailbox.

C. Insurance companies or servicing agents (also called Trading Partners) may file more frequently than once per day. The department, however, will retrieve filings only once per day. Any filing not sent before this retrieval time will be considered filed on the next day.

D. A message class should be used when sending files via Global Services to the test or production mailbox. The message class for uncompressed files is LAPS. The message class for compressed files is CMP.

E. After processing, information will be returned to the appropriate Global Services mailbox. The returned data will then be ready to be accessed by the Trading Partners.

F. Process the return files prior to sending in any additional files.

G. Do not send more than 50,000 records at one time. For more records, split the file into smaller parts and send these individually. Each part must contain one header and one trailer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1771. Manual Filings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1773 (September 1998), repealed LR 30:

§1772. File Transfer

A. The department will transfer all files using the FTP protocol. Therefore all files will need to be placed in the department's mailbox using FTP or in FTP ASCII format which uses a CRLF (carriage return line feed) pair as the end-of-line character sequence. For those companies wishing to compress data, the department will continue to use bTrade's Comm-Press software. Before compression takes place the file needs to be in FTP ASCII format. After compression, the file will need to be transferred in the image or binary mode of FTP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1773. Guidelines for Fleet Filings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1774 (September 1998), repealed LR 30:

§1774. Record Processing

A. The filing report will have :a header record, filing records (individual vehicle or fleet) and a trailer record. The trailer record will consist of all 9's from character 1 through character 219. Character number 220 of the trailer record should have a transaction type of "2". After processing the filing records, the department will return the filing report to the Trading Partner's mailbox. The report will consist of: the header record, filing records with dispositions and late flags, and a trailer record containing summary totals.

B. Upon receipt, filings will be edited for the purpose of verification of format and reporting requirements identifying missing or invalid data. Accepted records (those without edit errors) will then be compared by vehicle identification number with departmental vehicle registration files. After these steps, records that do not result in a match will be considered unresolved. It is the responsibility of the insurance company to read the returned filing. No-hit (disposition code "U") and Edit-Error (disposition code "E") exceptions must be corrected and re-submitted within 15 business days from receipt of the returned filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1775. Fee Assessments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1775 (September 1998), repealed LR 30:

§1776. Record Formats

A. There are four types of records: header, individual vehicle filing, fleet filing and trailer.

1. A header record must be the first record on filings submitted to the Department. This record contains information pertaining to a particular filing as well as the account number and user-id of the Trading Partner.

a. This information is critical for preparing the Department's return report.

b. The header record will be the first record on the Department's return report and will have a record type of "3".

2. An individual vehicle filing record is used by an insurance company for reporting required liability security information for an individual vehicle.

a. This filing record will have a record type of "1".

3. A fleet filing record is used by an insurance company for reporting required liability security information for a fleet of vehicles.

a. This filing record will have a record type of "4".

4. If an insurance company is unable to provide a trailer record, one will be provided by the department to report statistical information for the records submitted by the servicing agent.

a. Trailer records have record type of "2."

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1777. Transaction Types and How the Transaction Types Are Used

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1775 (September 1998), amended LR 26:88 (January 2000), repealed LR 30

§1778. Header Record

A. The header record has a record type = "3" and it will be edited for errors. It must be the first record on the filing. Filings will not be processed if the header record does not pass all edit checks. If an error is encountered, the header record will be the only record written to the return report. Character positions (194-218) of the header will have an edit-error-mask. The field(s) in error must be corrected and the record(s) resubmitted for processing.

B. Header Record Field Descriptions:

1. Serv-Agent-Code **C**code for an insurance company preparing its own filing, or a Department-supplied number. The service agent code must be the same throughout the entire filing report.

2. NR-Filing-Records **C**Number of filing records, excluding header and trailer records. An accurate count for this field is not required. It must have six digits but it can be six zeroes.

3. Date-Created **C**Date the filing report was created. Use format CCYYMMDD.

4. Test-File **C**Indicator to determine if filing report is production or test. Use "Y" for test data or "N" for live data.

If the indicator is "Y", this filing report is to be sent to the Test Mailbox ("LAPS/LAPS001").

5. Compression **C**Use "Y" for compressed or "N" for uncompressed.

6. Account-Number **C**The account number (assigned to the company by the Global Network).

7. Period **C**The character "."

8. User-ID **C**The user ID (assigned to the company by the Global Network).

9. INS-Co-Usage **C**This field is for insurance company usage.

10. Filler **C**Unused. Should be space filled.

11. Edit-Error-Mask **C**Used by the department to identify fields in error if the disposition code is "E".

12. Disposition **C**If the header record is acceptable will be a "space," if the header record is unacceptable will be "E".

13. Record-Type **C**Use a "3".

C. The following fields are required, and the absence of any of these key data fields or the presence of invalid data in any of the key data fields is an edit error which precludes the department from processing any filing records on the submission.

1. Serv-Agent-Code
2. NR-Filing-Records
3. Date-Created
4. Test-File
5. Compression
6. Account-Number
7. Period
8. User-ID
9. Record-Type

D. Returning Edit Errors: For a header record with an "E" disposition, the EDIT-ERROR-MASK field will be used to indicate the fields in error.

1. Positions are as follows:

a. Serv-Agent-Code	194
B. NR-Filing-Records	195
C. Date-Created	196
D. Test-File	197
E. Compression	198
F. Account-Number	199
G. Period	200
H. User-ID	201
I. Record-Type	202

2. A value of "1" in any of the above character positions signifies an error in the corresponding item. For example, if the SERV-AGT is missing, character position 194 will have a value of "1". A value of "0" in any character position of the edit-error-mask signifies that the corresponding item passed the edits.

E. Example of Header Record:

LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION
RECORD FORMAT

FIELD CHARACTERISTICS		RECORD NAME		SYSTEM		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS		INSURANCE HEADER RECORD		Compulsory Insurance Reporting		
				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DEScriptio N OR VALUE
1	1-5	5	N	Right	Serv-Agent-Code	REQUIRED
2	6-11	6	N	Right	NR-Filing-Records	REQUIRED
3	12-19	8	N	Right	Date-Created	REQUIRED
4	20	1	X		Test-File (Y or N)	REQUIRED
5	21	1	X		Compression (Y or N)	REQUIRED
6	22-28	7	X	Right	Account-Num	REQUIRED
7	29	1	X		Period	REQUIRED
8	30-36	7	X	Right	User-id	REQUIRED
9	37-70	34	X		Ins-Co-Usage	
10	71-193	123	X		Filler	SPACES
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 3						
11	194-218	25	X	Left	Edit-Error-Mask	
12	219	1	X	Left	Disposition	
13	220	1	N		Record-Type	3

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1779. Contact Person Information

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1776 (September 1998), repealed LR 30:

§1780. Individual Vehicle Filing Record

A. An individual vehicle filing record identifies the vehicle for which liability security has been issued, procured, recalled, reinstated, terminated, canceled, or changed from binder status to an active policy. Every individual vehicle filing record in the return filing report is to be reviewed. Duplicate reportings (disposition code "D") are not to be re-reported to the department. Edit errors (disposition "E") are to be corrected and re-reported to the department within 15 business days of the Return Date. Hits (disposition code "H") are acceptable. Incorrect "type use" or "class" (disposition code "I") are not to be re-reported to the department. Prescribed (disposition code "P") are not to be re-reported to the department. Restricted-Hit (disposition code "R") are to have the "VIN" verified with the "vehicle identification number" field from the vehicle registration certificate, if the "VIN" reported matches the "vehicle identification number" on the Vehicle Registration Certificate, do not re-report, if the "VIN" does not match, re-

report with the correct "VIN". Sequence errors (disposition code "S") are not to be re-reported; records, shall be reported in chronological order. No-Hit (disposition code "U") are to have the "VIN" verified with the "vehicle identification number" on the vehicle registration certificate, corrected and re-reported with the correct "VIN"; this is not an acceptable reporting.

B. Individual Vehicle Filing Record Field Descriptions:

1. VIN vehicle identification number" field from the vehicle registration certificate.
2. INS-Comp-Code NAIC Code (Best's Insurance Reports Property-Casualty).
3. Transaction-Type See LAC 55, Part III, Chapter 17, Subchapter B, §1762.A.
4. INS-Policy-NR Policy Number.
5. Termination-or-Change-or-Effective-Date Date policy was canceled, terminated, changed, or became effective. Use format CYYMMDD.
6. Serv-Agent-Code Use only one servicing agent code throughout the filing. Companies preparing their own filings are to use the NAIC code for the company reporting. Servicing Agents preparing filings for multiple companies shall use their Serv-Agent-Code throughout the entire filing and use the NAIC code of the insurance company that is issuing the liability security policy in the INS-Comp-Code field.
7. Lessee or Owner State CA two-character abbreviation for the state that issued the driver's license. If the "lessee-or-owner-identification-number" contains the

federal tax identification number, the LESSEE-OR-OWNER-STATE field is spaces.

8. Lessee or Owner Identification Number **C**The lessee or owner identification number can be either a driver's license number or a federal tax identification number. For individually owned vehicles, the driver's license number, for company owned vehicles, the federal tax identification number. The "driver's license/EIN" field as it appears on the Vehicle Registration Certificate.

9. Issue-Date **C**Date the policy was issued for a vehicle. When reporting an initiation for a new vehicle added to an existing policy, make sure that the issue date used is the date the vehicle is added to the policy, not the issue date of the original policy. Use format CCYYMMDD.

10. INS-Co-Usage **C**This field is for insurance company usage.

11. Filler **C**Spaces. No special characters.

12. Return-Date **C**This field will be populated by the department with the date the record was processed and returned to the reporting company. Use format CCYYMMDD.

13. Late-Flag **C**Indicates if filing record was late. This field will be populated by the department. Any filing that is late will have this field set to "Y".

14. Edit-Error-Mask **C**Used to identify edit errors that are being returned to the company. For filing records with disposition of "E" the edit-error-mask will identify each field that failed to pass the edits. This field will be populated by the department with a "1" (error) or "0" (no error).

15. Disposition **C**Code used to determine the acceptance or rejection of a filing record. This field will be populated by the department. See LAC 55, Part III, Chapter 17, Subchapter B, §1764.A.

16. Record-Type **C**Use a "1" to identify this record as an individual vehicle filing record.

C. The following fields are required, and the absence of any of these key data fields or the presence of invalid data in any of the key data fields is an edit error which precludes the department from processing this individual filing record.

1. VIN
2. INS-Comp-Code
3. Transaction-Type
4. INS-Policy-NR
5. Termination-or-Change-or-Effective-Date
6. Serv-Agent-Code
7. Lessee-or-Owner-State
8. Lessee-or-Owner-Identification-Number
9. Issue-Date
10. Record-Type

D. Returning Edit Errors. For individual vehicle filing records with an "E" disposition, the edit-error-mask field will be used to indicate the fields in error.

1. Positions are as follows:

a. VIN	194
b. INS-Comp-Code	195
C. Transaction-Type	196
D. Ins-Policy-NR	197
E. Termination-or-Change-or-Effective-Date	198
F. Serv-Agent-Code	199
G. Lessee-or-Owner-State	200
H. Lessee-or-Owner-Identification-Number	201
I. Issue-Date C Only for Initiations	202
j. Record-Type	203

2. A value of "1" in any of the above character positions signifies an error in the corresponding item. For example, if the TRANSACTION-TYPE is missing, character position 196 will have a value of "1". A value of "0" in any character position of the EDIT-ERROR-MASK signifies that the corresponding item passed the edits.

E. Example of Individual Vehicle Filing Record:

**LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION
RECORD FORMAT**

FIELD CHARACTERISTICS		RECORD NAME		SYSTEM		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS		INDIVIDUAL VEHICLE FILING RECORD		Compulsory Insurance Reporting		
				RECORD SIZE		
				220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1-30	30	X	Right/Space Filled	VIN	REQUIRED
2	31-35	5	N	Right	Ins-Comp-Code	REQUIRED
3	36	1	X		Transaction-Type	REQUIRED
4	37-66	30	X	Left	Ins-Policy-Nr	REQUIRED
5	67-74	8	N	Right	Termination-or-Change-or-Effective-Date (CCYYMMDD)	REQUIRED
6	75-79	5	N	Right	Serv-Agent-Code	REQUIRED
7	80-81	2	X		Lessee-or-Owner-State	REQUIRED
8	82-90	9	N	Right	Lessee-or-Owner-Identification-Number	REQUIRED

9	91-98	8	N	Right	Issue-Date(CCYYMMDD)	REQUIRED for Initiations Only
10	99-132	34	X		Ins-Co-Usage	
11	133-184	52	X		Filler	SPACES
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 3						
12	185-192	8	N	Right	Return-Date	CCYYMMDD
13	193	1	X		Late-Flag	'Y or N
14	194-218	25	X	Left	Edit-Error-Mask	
15	219	1	X	Left	Disposition	
16	220	1	N		Record-Type	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1781. Reporting Methods

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1776 (September 1998), amended LR 26:88 (January 2000), repealed LR 30:

§1782. Approved Reporting Methods

A. Reporting via File Transfer Protocol. Effective October 1, 1998, security provider which currently file via magnetic tape may begin filing using the file transfer protocol method. Effective January 1, 1999 security providers shall only make filings using the file transfer protocol method. The only acceptable procedures for contacting the Department's computer shall be via the IBM Global Services "Information Exchange." The security provider shall have connectivity to the IBM Global Network, either through Insurance Value Added Network Services (IVANS) or directly. All record formats shall be as described in Chapter 17, Subchapter B. The department will provide, upon request, all technical specifications to accomplish this connectivity. All security providers requiring additional assistance may contact the Information Services Deputy Director of the Data Processing Center at (225) 925-6226. This section shall not apply to security providers authorized to file fleet coverage reports.

B. LAC 55, Part III, Chapter 17, Subchapter B, §1782, Subsection A shall not apply to security providers who have:

1. received written approval from the department to file reports via the Internet; and
2. entered into a written agreement with the department to indemnify the department against any loss which might arise out of transmitting the data over the Internet.

C. The reports submitted to the department pursuant to 55, Part III, Chapter 17, Subchapter B, §1782, Subsections A and B shall be formatted in the manner approved by the department and shall include the following information:

1. the make, model, year and vehicle identification number to the subject vehicle;
2. the insurance company code;
3. the type of transaction;
4. the lessee, renter, or owner state;
5. the policy or binder number;
6. the termination, or change date, or the effective date and the issue date (for initiation only); and
7. the lessee, renter, or owner identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1783. Technical Specifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1777 (September 1998), repealed LR 30:

§1784. Fleet Filing Record

A. A Fleet Filing record is to be used to report the number of vehicles contained within the fleet.

B. Fleet filing Record Field Descriptions:

1. INS-Comp-Code (NAIC Code (Best's Insurance Reports Property-Casualty))
2. Transaction-Type (See LAC 55, Part III, Chapter 17, Subchapter B §1762.A.)
3. INS-Policy-NR (Policy Number)
4. Termination-or-Change-or-Effective-Date (Date policy was canceled, terminated, changed, or became effective. Use format CYYMMDD.)
5. Serv-Agent-Code (Use only one servicing agent code throughout the filing. Companies preparing their own filings are to use the NAIC code for the company reporting. Servicing Agents preparing filings for multiple companies shall use their serv-agent-code throughout the entire filing and use the NAIC code of the insurance company that is issuing the liability security policy in the INS-comp-code field.)
6. Lessee-or-Owner Federal Tax Identification-Number (The lessee or owner Federal Tax Identification number. Use the 9 digits of the federal tax identification

number. This is the "DRIVER'S LICENSE/EIN" field as it appears on the Vehicle Registration Certificate.

7. Lessee-or-Owner-Name **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "name" field as it appears on the Vehicle Registration Certificate. For owned vehicles, this is the "owner's name" field as it appears on the Vehicle Registration Certificate.

8. Lessee-or-Owner-Address **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "street1" field below the "NAME" field as it appears on the vehicle registration certificate. For owned vehicles, this is the "street1" field below the "owner's name" field as it appears on the Vehicle Registration Certificate.

9. Lessee-or-Owner City State **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "city/state" field below the "name" field as it appears on the Vehicle Registration Certificate. For owned vehicles, this is the "city/state" field below the "owner's name" field as it appears on the Vehicle Registration Certificate.

10. Lessee-Or-Owner Zip Code **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "zip" field below the "name" field as it appears on the Vehicle Registration Certificate. For owner owned vehicles, this is the "zip" field below the "owner's name" field as it appears on the Vehicle Registration Certificate.

11. Number-of-Vehicles-in-Fleet **C**The estimated number of vehicles in the fleet covered by this filing record.

12. Issue-Date **C**Date the policy was issued.

13. INS-Co-Usage **C**This field is for insurance company usage.

14. Return-Date **C**This field will be populated by the department with the date the record was processed and returned to the reporting company. Use format CCYYMMDD.

15. Late-Flag **C**Indicates if filing record was late. This field will be populated by the department. Any filing that is late will have this field set to "Y".

16. Edit-Error-Mask **C**Used to identify edit errors that are being returned to the company. For filing records with disposition of "E", the edit-error- mask will identify each field that failed to pass the edits. Each character of this field will be populated by the Department with a "1" (error) or a "0" (no error).

17. Disposition **C**Code used to determine the acceptance or rejection of a filing record. This field will be populated by the department. See LAC 55, Part III, Chapter 17, Subchapter B §1764.A.

18. Record-Type **C**Use a "4" to identify this record as a fleet filing record.

C. The following fields are required:

1. INS-Comp-Code
2. Transaction-Type
3. Ins-Policy-NR
4. Termination-or-Change-or-Effective-Date
5. Serv-Agent-Code
6. Lessee-or-Owner-Federal-Tax-Identification-

Number

7. Lessee-or-Owner-Name
8. Lessee-or-Owner-Address
9. Lessee-or-Owner-City-State
10. Lessee-or-Owner-Zip-Code
11. Number-of-Vehicles-In-Fleet
12. Issue-Date
13. Record-Type

D. Returning Edit Errors. For filing records with an "E" disposition, the edit-error-mask field will be used to indicate the fields in error.

1. Positions are as follows:

- | | |
|--|-----|
| a. INS-Comp-Code | 194 |
| b. Transaction-Type | 195 |
| c. Ins-Policy-NR | 196 |
| d. Termination-or-Change-or-Effective-Date | 197 |
| e. Serv-Agent-Code | 198 |
| f. Lessee-or-Owner-Federal-Tax-
Identification-Number | 199 |
| g. Lessee-or-Owner-Name | 200 |
| h. Lessee-or-Owner-Address | 201 |
| i. Lessee-or-Owner-City-State | 202 |
| j. Lessee-or-Owner-Zip-Code | 203 |
| k. Number-of-Vehicles-In-Fleet | 204 |
| l. Issue-Date | 205 |
| m. Record-Type | 206 |

2. A value of "1" in any of the above character positions signifies an error in the corresponding item. For example, if the TRANSACTION-TYPE is missing, character position 195 will have a value of "1". A value of "0" in any character position of the edit-error-mask signifies that the corresponding item passed the edits.

E. Example of Fleet Filing Record:

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION

RECORD FORMAT

FIELD CHARACTERISTICS		RECORD NAME		SYSTEM		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS		Fleet Filing Record		Compulsory Insurance Reporting		
				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1-5	5	N	Right	Ins-Comp-Code	REQUIRED
2	6	1	X		Transaction-Type	REQUIRED
3	7-36	30	X	Left	Ins-Policy-Nr	REQUIRED
4	37-44	8	N	Right	Termination-or-Change-or-Effective-Date	CCYYMMDD
5	45-49	5	N	Right	Serv-Agent-Code	REQUIRED
6	50-58	9	N	Right	Lessee-or-Owner-Federal-Tax-Identification-Number	REQUIRED
7	59-88	30	X	Left	Lessee-or-Owner Name	REQUIRED
8	89-113	25	X	Left	Lessee-or-Owner-Address	REQUIRED
9	114-133	20	X	Left	Lessee-or-Owner-City-State	REQUIRED
10	134-138	5	N	Right	Lessee-or-Owner-Zip-Code	REQUIRED
11	139-142	4	N	Right	Number-of-Vehicles-in-Fleet	REQUIRED
12	143-150	8	N	Right	Issue-Date(CCYYMMDD)	Required for Initiations
13	151-184	34	X		Ins-Co-Usage	
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 4						
14	185-192	8	N	Right	Return-Date	CCYYMMDD
15	193	1	X		Late-Flag	Y or N
16	194-218	25	X	Left	Edit-Error-Mask	
17	219	1	X	Left	Disposition	
18	220	1	N		Record-Type	4

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1785. Editing Vehicle Identification Numbers for Improved Match Rates

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1777 (September 1998), repealed LR 30:

§1786. Trailer Record

A. A trailer record is required. The trailer record must contain all 9's for positions 1 thru 219 and must have a

record type 2 in position 220. After the complete filing has been processed, the department will update the trailer record with statistical information for the records submitted. This record is returned to the insurance company for review.

B. Returned Trailer Record Field Descriptions:

1. Servicing Agent Code
2. Date Filing was Received by the Department
3. Date Filing was Processed by the Department
4. Total number of records included in the filing (record types 1 and 4)
5. Total number of records with disposition "D" (Duplicate Reporting)
6. Total number of records with disposition "E" (Edit Error)

- 7. Total number of records with disposition "H" (Hit)
- 8. Total number of records with disposition "I" (Incorrect Type-Use or Class)
- 9. Total number of records with disposition "P" (Prescribed)
- 10. Total number of records with disposition "R" (Restricted Hit)

- 11. Total number of records with disposition "S" (Sequence Error)
 - 12. Total number of records with disposition "U" (No Hit)
 - 13. Total number of late filings
 - 14. Filler.
 - 15. Record-Type – 2
- C. Example Trailer Record:

**LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION**

RECORD FORMAT

FIELD CHARACTERISTICS		RECORD NAME TRAILER RECORD		SYSTEM		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE <u>ALL ASCII CHARACTERS</u>				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1-5	5	N	Right	Serv-Agent-Code	
2	6-13	8	N	Right	Date-Received	CCYYMMDD
3	14-21	8	N	Right	Date-Processed	CCYYMMDD
4	22-27	6	N	Right	Total-Number-of-Filing-Records	
5	28-33	6	N	Right	Total-Number-of-Disposition-D-Records	
6	34-39	6	N	Right	Total-Number-of-Disposition-E-Records	
7	40-45	6	N	Right	Total-Number-of-Disposition-H-Records	
8	46-51	6	N	Right	Total-Number-of-Disposition-I-Records	
9	52-57	6	N	Right	Total-Number-of-Disposition-P-Records	
10	58-64	6	N	Right	Total-Number-of-Disposition-R-Records	
11	64-69	6	N	Right	Total-Number-of-Disposition-S-Records	
12	70-75	6	N	Right	Total-Number-of-Disposition-U-Records	
13	76-81	6	N	Right	Total-Number-of-Late-Filings	
14	82-219	138	X		Filler	SPACES
15	220	1	N		Record-Type	2

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1787. Identification Card Specifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1778 (September 1998), repealed LR 30:

§1788. Invalid Vehicle Type-Use

A. The type-use for a vehicle is in the "CLASS" field of the Vehicle Registration Certificate.

1. Below is a list of invalid "Type-use" or "class" of vehicles that are not need to be reported to the department.

- a. 0109 **C**Shriner Auto
- b. 0110 **C**Grotto Auto
- c. 0111, 0112, 0113, 0114, 0115, 0116, 0117, 0118, 0147, 0148, 0149 **C**Public Auto
- d. 0121, 0122 **C**Consular Auto
- e. 0124, 0125 **C**Governor's Staff Auto
- f. 0138 **C**US Congressman
- g. 0139 **C**US Senator
- h. 0205, 0236, 0241 **C**Forest Truck
- i. 0209 **C**Shriner Truck
- j. 0210 **C**Grotto Truck
- k. 0211, 0212, 0213, 0214, 0215, 0216, 0217 **C**Public Truck
- l. 0221, 0222 **C**Consular Truck
- m. 0224, 0225 **C**Governor's Staff Truck
- n. 0242, 0243, 0244, 0245, 0246 **C**Farm Truck
- o. 0252, 0253, 0254 **C**Public Truck
- p. 0262 **C**Handicap Farm Truck
- q. 0305, 0306, 0307, 0311, 0312, 0313, 0314, 0315, 0316 **C**Public Motorcycle
- r. 0309 **C**Shriner Motorcycle
- s. 0310 **C**Grotto Motorcycle
- t. 0409 **C**Shriner Bus
- u. 0415, 0416, 0417, 0418, 0419, 0420, 0421, 0422, 0423 **C**Public Bus
- v. 0427, 0428, 0429, 0466, 0467, 0468 **C**Public Bus
- w. 0601, 0602 **C**House Trailer
- x. 0701, 0722 **C**Trailer
- y. 0702, 0733 **C**Boat Trailer
- z. 0703 **C**4 Year Trailer
- aa. 0704 **C**Light Semi Trailer
- bb. 0705 **C**Trailer Apportioned
- cc. 0706 **C**Farm Semi Trailer
- dd. 0707, 0708, 0709, 0723, 0724, 0725 **C**Public Perm Trailer
- ee. 0710, 0711, 0712 **C**Public Boat Trailer
- ff. 0713, 0714, 0715 **C**Public 4 Year Trailer
- gg. 0716, 0717, 0718 **C**Public Light Semi Trailer
- hh. 0719, 0720, 0721 **C**Public Plate Trailer
- ii. 0726 **C**Shriner Trailer
- jj. 0727 **C**Grotto Trailer
- kk. 0728 **C**Appor Life Trailer
- ll. 0729, 0730 **C**Trailer Life
- mm. 0731, 0732 **C**Trailer 4 Year
- nn. 0901, 0902, 0903, 0904, 0905 **C**Off-Road Vehicle

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:

§1789. Declaratory Orders And Rulings

A. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1780 (September 1998), repromulgated LR 30:

§1790. Identification Card Specifications

A. General Information. Pursuant to R.S. 32:863, which became effective July 1, 1985, all vehicles registered in the

state of Louisiana must contain within the vehicle documentation indicating compliance with the Compulsory Motor Vehicle Liability Security Law. An identification card may be used in lieu of the actual policy as a means of showing evidence of liability insurance coverage.

1. The purpose of developing an approved identification card should be to provide a document to be used as proof of compliance with Louisiana's compulsory insurance laws.

2. Those ID Cards, in conformance with the attached specifications, will be accepted as proof of liability insurance by law enforcement and by the Office of Motor Vehicles.

3. In order for the Security Provider to insure compliance with specification requirements, the Security Provider shall furnish the Department with sample copies of its Louisiana Liability Insurance Identification Card.

a. Mail sample ID cards to:

Department of Public Safety and Corrections
Office of Motor Vehicles
Compulsory Insurance Unit
P.O. BOX 64886
Baton Rouge, LA 70896-4886
or
Fax copy to (225) 922-0158
Attention: Supervisor

4. For questions regarding implementation, please call the Compulsory Insurance Unit at (225) 925-7285.

B. Louisiana Identification Card Specifications

1. Size of document need not be uniform.

2. Card should be a one-part form on at least 20 lb. white paper stock.

3. The following general information must be designated on the card in either bold print or contrasting color:

a. on the front of the identification card:

- i. Louisiana Auto Insurance Identification Card;
- ii. An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law;
- iii. This card must be carried in the vehicle at all times as evidence of liability insurance;

b. on the back of the identification card:

- i. important notice;
- ii. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times;
- iii. failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.

4. Specific information required on the Identification Card is as follows:

a. on the front of the identification card:

- i. the name, address, and NAIC number of the insurance company;
- ii. name of insured, policy number, effective date and expiration date;
- iii. vehicle description: the year may be shown as two digits and the make may be abbreviated. The full vehicle

identification number must be shown. Only when the insurer does not have the Vehicle identification number information under a fleet policy, is the word "Fleet" to be entered. The federal tax identification number of the listed insured must be provided when "Fleet" is used;

b. the following information shall appear on the front or back of the identification card:

i. any excluded drivers on the policy must be listed;

ii. the excluded driver's date of birth and/or operator's license number;

iii. the insurance agent's name, address and telephone number.

5. The certificate should be provided to each liability policy holder at least annually or at each renewal.

6. Other items may be included at the discretion of the insurer such as company logo or any other message(s) including claim locations, what to do in the event of an accident, etc., on the reverse side of the card.

7. This wording is necessary to meet requirements without having to specify the actual insurance limits on all vehicles (vehicles under or over 20,000 lbs.).

8. In accordance with Act 527 (SB882) R.S. 32:397(A), the insured will be required to furnish proof of insurance to law enforcement at the time of an accident.

C. Examples Of Louisiana Identification card

LOUISIANA AUTO INSURANCE IDENTIFICATION CARD		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
VEHICLE DESCRIPTION		VEHICLE IDENTIFICATION NUMBER
YEAR	MAKE/MODEL	
INSURED		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		
IMPORTANT NOTICE		
La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.		
Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.		
INSURANCE AGENT:		
EXCLUDED DRIVERS:		

1. Sample with Vehicle Identification Number

LOUISIANA AUTO INSURANCE IDENTIFICATION CARD		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
12345	Compulsory Insurance Company 1234 Liability Lane Security, LA 10000	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
ABC 12345	01/01/95	01/01/96
VEHICLE DESCRIPTION		VEHICLE IDENTIFICATION NUMBER
YEAR	MAKE/MODEL	
95	Chev/Cam	1GTCE1456PB123456
INSURED		
John Doe 203 Doe Street Baton Rouge, LA 70895		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		
IMPORTANT NOTICE		
La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.		
Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.		
INSURANCE AGENT:		
All Day Insurance Agency 1000 Anywhere Street Baton Rouge, LA 70806 Phone # (225) 123-4567		
EXCLUDED DRIVERS: Johnny Doe DOB 10/01/75 DL# 1234567		

2. Sample Identification Card with Fleet Information

LOUISIANA AUTO INSURANCE IDENTIFICATION CARD		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
12345	Compulsory Insurance Company 1234 Liability Lane Security, LA 10000	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
ABC 12345	01/01/95	01/01/96
VEHICLE DESCRIPTION		VEHICLE IDENTIFICATION NUMBER
YEAR	MAKE/MODEL	
		FLEET-FEDERAL TAX ID# 720000000
INSURED		
John Doe Trucking, Inc. 203 Doe Street Baton Rouge, LA 70895		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		

IMPORTANT NOTICE

La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.

Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.

INSURANCE AGENT:
All Day Insurance Agency
1000 Anywhere Street
Baton Rouge, LA 70806
Phone # (225) 123-4567

EXCLUDED DRIVERS: N/A

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

§1792. Proof Of Liability Security

A. In accordance with Act 423 (HB1366) R.S. 32:862(B)(H), licensed drivers and motor vehicle owners will be required to show proof of liability coverage at the time of vehicle registration, renewal of license plate, and at the time of initial application, renewal or change of address/endorsement for a driver's license. Acceptable proof will be in

the form of one of the following:

1. For vehicles with a gross vehicle weight of 20,000 pounds or less

a. proof that a liability insurance policy providing at least \$10,000/\$20,000 bodily injury and \$10,000 property damage was issued as required in R.S. 32:900(B). (Copy of insurance identification card, copy of insurance policy, or copy of declaration page of insurance policy); or

b. proof that an approved motor vehicle liability bond was issued by a surety or insurance company in the amount of \$30,000; or

c. proof that a certificate was issued from the State Treasurer stating that cash or securities of \$30,000 was on deposit with the State Treasurer; or

d. proof that a Louisiana Certificate of Self-Insurance was issued in compliance with La R.S. 32:1042.

2. For vehicles with a gross vehicle weight 20,001 - 50,000 pounds

a. proof that a liability insurance policy providing at least \$25,000/\$50,000 bodily injury and \$25,000 property damage was issued as required in La. R.S. 32:900(B). (Copy of insurance policy, or copy of declaration page of insurance policy); or

b. proof that a Louisiana certificate of self-insurance was issued under La. R.S. 32:1042 or

c. proof of single state registration (current form RS-3); or

d. proof of Public Service Commission authority (current Intra-state ID Cab Card); or

e. proof that a Certificate of Self-Insurance was issued by the Interstate Commerce Commission (ICC) in compliance with La. R.S. 32:900(M)(3).

3. For vehicles with a gross vehicle weight over 50,001 pounds

a. proof that a liability insurance policy was issued providing at least \$100,000/\$300,000 bodily injury and \$25,000 property damage or a combined single limit of \$300,000 in compliance with La. R.S. 32:900(B). (Copy of insurance policy, or copy of declaration page of insurance policy); or

b. proof that a Louisiana certificate of self-insurance was issued in compliance with La. R.S. 32:1042; or

c. proof of single state registration (current form RS-3); or

d. proof of Public Service Commission authority (current Intra-state ID Cab Card); or

e. proof that a Certificate of Self-Insurance was issued by the Interstate Commerce Commission (ICC) in compliance with La. R.S. 32:900(M)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30

Persons having comments or inquiries regarding this proposed Rule may contact Steven J. Farber, attorney for the Office of Motor Vehicles by writing to P.O. Box 66614, Baton Rouge, Louisiana 70896, by calling (225) 925-4654, or by sending a facsimile to (225) 925-3974. These comments and inquiries should be received by Monday, September 27, 2004. A public hearing on these rules is tentatively scheduled for Wednesday, September 29, 2004, at 9:00 a.m. in the Executive Conference Room at the Office of Motor Vehicle Headquarters at 7979 Independence Blvd, Baton Rouge, Louisiana 70806. Any person wishing to attend the public hearing should call to confirm the time and the location of the hearing. If the requisite number of comments are not received, no hearing will be held.

Family Impact Statement

1. The Effect of this Rule on the Stability of The Family. This Rule should not have any affect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This Rule should not have any affect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule should not have any affect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This rule should not have any affect on family earnings and family budget.

5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule should not have any affect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. This Rule should not have any affect on the ability of the family or local government to perform the function as contained in the proposed rules.

Stephen J. Hymel
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Compulsory Insurance

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no cost or savings as a result of the implementation of the proposed rule. The insurance industry is currently reporting automobile liability coverage to the Office of Motor Vehicles in this manner.

There should be no impact on local government as local governments neither send nor report automobile liability insurance coverage to the Office of Motor Vehicles.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no increase or decrease in collections of revenues for state or local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The actual cost/savings to the insurance industry is unknown. Initially, there may be a cost to the industry to implement necessary program changes of the new form as required of the Office of Motor Vehicles re-engineered computer system. However, the long term benefit would be the cost savings or reporting each filing due to a reduction in the number of characters that the industry is required to report.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition an employment.

Stephen J. Hymel
Undersecretary
0408#081

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police
Safety Enforcement Section**

Motor Vehicle Inspection On-Board Diagnostic Testing
(LAC 55:III.819)

The Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, in accordance with R.S. 49:950 et seq., and R.S. 32:1301 et seq., gives notice of its intent to amend its rules regulating vehicle inspections to exempt certain vehicles designated by the Department of Environmental Quality from on-board diagnostic testing now performed by motor vehicle inspection stations in the five-parish non-attainment area.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 8. Motor Vehicle Inspection

Subchapter C. Vehicle Emission Inspection and Maintenance Program

§819. Anti-Tampering and Inspection and Maintenance Parameters

A. - B. ...

C. Effective January 1, 2002, and in addition to the requirements outlined in Subsections A and B of this Section, the performance of Onboard Diagnostic (OBD II) system checks will be required on all 1996 and newer model year gasoline-fueled passenger cars and gasoline-fueled

trucks (10,000 pound gvwr or less) registered in the five parish non-attainment area, except those model year vehicles exempted by the Louisiana Department of Environmental Quality pursuant to R.S. 30:2054(B)(8). These mandatory OBD II checks are to be performed in accordance with the federal Amendments to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check; Final Rule at 40 CFR Parts 51 and 85 as published in *Federal Register*, Thursday, April 5, 2001 (Volume 66, pages 18156-18179).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2434 (December 1999), amended LR 27:2260 (December 2001), LR 28:345 (February 2002), LR 30:

Family Impact Statement

1. The Effect of these Rules on the Stability of the Family. These rules will have no effect on the stability of the family.

2. The Effect of these Rules on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. These rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of these Rules on the Functioning of the Family. These rules will have no effect on the functioning of the family.

4. The Effect of these Rules on Family Earnings and Family Budget. These rules will have no effect on family earning and family budget.

5. The Effect of these Rules on the Behavior and Personal Responsibility of Children. These rules will have no effect on the behavior and personal responsibility of children.

6. The Effect of these Rules on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. These rules will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Interested persons may submit written comments to: Paul Schexnayder, P.O. Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through September 15, 2004.

Stephen J. Hymel
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Motor Vehicle Inspection
On-Board Diagnostic Testing**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This change in agency rule, recognizing that the Louisiana Department of Environmental Quality is now authorized by statute to exempt certain newer model year vehicles from the onboard diagnostics checks, will not result in any increased costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state or local governmental units as the number of vehicle inspections will remain the same.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Motor vehicle inspection stations may experience a very slight, indeterminate decrease in costs due to the slight decrease in the amount of time required to complete an inspection on newer model vehicles.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as the proposed rule change will have an equal impact on all inspection stations.

Stephen J. Hymel
Undersecretary
0408#077

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Net Operating Loss Deduction (LAC 61:I.1124)

Under the authority of R.S. 47:287.86, R.S. 47:287.785, and 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, proposes to adopt LAC 61:I.1124 to allow the election to relinquish carryback provided in R.S. 47:287.86(D) to be revocable.

R.S. 47:287.86(D) provides that the election to relinquish the carryback shall be made as prescribed by the secretary. It has been the department's longstanding practice to allow the taxpayer to change its election to relinquish carryback. This proposed regulation will clarify that the election may be changed and inform taxpayers of the necessary procedures.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

**Chapter 11. Corporation Income Tax
§1124. Net Operating Loss Deduction**

A. Election to relinquish carryback of a net operating loss. The election to relinquish carryback is made by filing a return carrying the net operating loss to the earliest of the taxable years allowed for carryovers.

B. Changes to Election

1. Except as otherwise provided herein, a taxpayer may change the election to relinquish carryback of a net operating loss or the decision to carryback a net operating loss provided any additional tax and interest due as a result of the change is paid and any refund due as a result of the change has not prescribed.

2. The change in the election is made by filing an amended return for each tax year affected, paying any tax and interest due and showing any refunds due.

C. When a change in election is made during an audit or examination, the taxpayer shall submit to the auditor a written notification of the change in election and provide any additional information the auditor may require.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:287.86, R. S. 47:287.785 and R.S. 47:1511.

HISTORICAL NOTE: Adopted by the Department of Revenue, Policy Services Division, LR 30:

Family Impact Statement

The proposed adoption of LAC 61:I.1124, regarding allowing the revocation of the election to relinquish a net operating loss carryback for corporation income tax purposes, 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, the implementation of this proposed rule will have 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.
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be received no later than 4:30 p.m., Tuesday, September 28, 2004. A public hearing will be held on Wednesday, September 29, 2004, at 9 a.m. in the River Room Conference Room on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Net Operating Loss Deduction

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The implementation of this proposed regulation will have no impact upon any local governmental units.

The implementation of this proposed regulation, which clarifies how Louisiana net operating losses for corporations may be carried from one year to another, would have no impact on the agency's costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There may be a decrease in revenues due to a small number of taxpayers who might not have been familiar with the secretary's administrative practice. The information is not available which would allow a measure of the decrease. However, it is expected to be small. Any decrease in revenue in current periods will result in an equivalent increase in revenue in future periods. The proposed rule is the same as current practice.

There will be no effect on revenue collections of local governmental units as a result of this proposed regulation.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Corporations that have Louisiana net operating losses will utilize these losses to reduce their Louisiana corporation income tax liability.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

This proposed regulation will have no effect on competition or employment.

Cynthia Bridges
Secretary
0408#071

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Department of Revenue
Policy Services Division

**Sales and Use Tax Exclusion for Manufacturing
Machinery and Equipment (LAC 61:I.4301)**

Under the authority of R.S. 47:301 and 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, proposes to amend LAC 61:I.4301 relative to the definitions of *cost price*, *lease or rental*, and *sales price* for sales tax purposes.

Act 1 of the 2004 First Extraordinary Session provides exclusions from state sales and use tax for the purchase, *lease or rental*, and use of machinery and equipment used predominately and directly to manufacture *tangible personal property* or produce, process, and store food, fiber, or timber for sale. These amendments provide guidance regarding the definition of *cost price* under R.S. 47:301(3)(i), *lease or rental* under R.S. 47:301(28)(a), and *sales price* under R.S. 47:301(13)(k) as those terms relate to the purchase of machinery and equipment used predominantly and directly in the manufacturing of *tangible personal property* for sale or the production, processing, and storing of food, fiber, or timber for sale.

Title 61
REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 43. Sales and Use Tax
§4301. Definitions

A. - C. ...

Cost Price

a. - g. ...

h. Under R.S. 47:301(3)(i), machinery and equipment is excluded from *cost price* if the property is used to manufacture *tangible personal property* for sale to another or is used directly in the production, processing, and storing of food, fiber, or timber for sale, is used predominantly and directly in the manufacturing process or in the actual manufacturing for agricultural purposes, and is eligible for depreciation for federal income tax purposes. The exclusion is subject to a phase-in between July 1, 2004, and June 30, 2010. The exclusion applies only to manufacturing businesses that have been assigned, by the Louisiana Department of Labor, North American Industrial Classification System (NAICS) codes within the agricultural, forestry, fishing, and hunting sector 11 or the manufacturing sectors 31 through 33 as they existed in 2002. Businesses that are not registered with the Louisiana Department of Labor or that have not been assigned these NAICS codes are not eligible to claim this exclusion. The

exclusion applies to *state sales or use tax and local sales or use tax* if the political subdivision has adopted this exclusion by ordinance.

i. "Manufacturing" means putting raw materials through a series of steps that brings about a change in their composition or physical nature in order to make a new and different item of *tangible personal property* that will be sold to another. The manufacturing process begins when a raw material is introduced into the first machine or item of equipment that begins the change of the composition or physical nature of the raw materials into another product. The manufacturing process ends when the final product for sale has been placed into the packaging that will normally be delivered to the final consumer.

ii.(a). For machinery or equipment used to manufacture tangible personal property for sale, "used predominantly" means that more than 50 percent of the property's use is in the process of causing a change in the composition or physical nature of the raw materials that are to become a final product for sale.

(b). For machinery or equipment used to produce, process, and store food, fiber, or timber for sale, "used predominantly" means the property is used more than 50 percent of the time in the production, processing, and storing of food, fiber, or timber for sale. Equipment that remains idle between growing seasons is considered used for the production, processing, and storing of food, fiber, or timber during that time.

iii.(a). For a manufacturer of *tangible personal property* for sale, "used directly" describes the manner in which the machinery or equipment used in a plant facility alters the physical characteristics of the product during the manufacturing process. "Used directly" means that the machinery and equipment must have an immediate effect upon those products manufactured for ultimate sale to another person. Machinery and equipment used to manufacture intermediate products for internal use, such as manufacturing tools, internally consumed energy, and processing chemicals do not qualify for the exclusion.

(b). For a manufacturer of food, fiber, or timber for sale, "used directly" describes the manner in which the machinery or equipment is involved in the manufacturing for agricultural purposes. "Used directly" means that the machinery and equipment must have an immediate effect upon the food, fiber, or timber. Examples of machinery and equipment "used directly" in manufacturing for agricultural purposes include machinery and equipment for planting, cultivating, fertilizing, spraying, harvesting, producing, processing, and storing of food, fiber, or timber for sale. This exclusion includes materials used in the construction of facilities used to store the food, fiber, or timber for sale. Machinery and equipment "used directly" in manufacturing for agricultural purposes does not include facilities used to store equipment.

iv. Persons acting as mandataries (agents) of manufacturers can claim the exclusion on purchases of qualifying machinery and equipment that will ultimately be used by a business assigned an eligible NAICS code by the Department of Labor. The mandatory must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the Department's Form R-1072 (Manufacturer's Designation of Mandate), to the seller

at the time of purchase. For each job, mandataries must prepare a schedule of the manufacturing machinery and equipment that were purchased under this exclusion.

v. Repairs to manufacturing machinery and equipment to keep the property in an ordinarily efficient working order do not qualify for exclusion under R.S. 47:301(3)(i). Because neither the labor nor the materials used in these repairs are depreciable for federal income tax purposes, charges for these items cannot be excluded from tax.

vi. Charges for labor and materials utilized during work that is classified as a capital improvement under Internal Revenue Service Regulations may be excluded as follows.

(a). Charges for labor performed on qualifying manufacturing machinery and equipment that is movable property at the time of the capital improvement are excluded from tax. The vendor that provides the labor is allowed to treat the materials used as purchased for resale. All materials that are incorporated into qualifying machinery and equipment during the capital improvement qualify for exclusion from tax.

(b). Materials incorporated into qualifying manufacturing machinery and equipment that is immovable property at the time of the capital improvement are eligible for exclusion as follows:

(i). In instances when a manufacturer purchases materials that will become a component part of qualifying machinery or equipment, the materials are excluded from tax.

(ii). A vendor's purchases of materials that will become a component part of qualifying machinery or equipment are excluded from tax if the vendor has been designated as a mandatarly of a manufacturer. The vendor must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the Department's Form R-1072, to the seller at the time of purchase. Manufacturers that supply this form to their mandataries must maintain a schedule of the *tangible personal property* used in these capital improvements.

(c). Purchases of spare machinery and equipment, such as compressors, pumps, and valves, qualify for the exclusion provided these items satisfy the definition of machinery and equipment provided in R.S. 47:301(3)(i). Spare machinery and equipment, such as bolts, nuts, gaskets, oil, etc., which cannot be depreciated for federal income tax purposes, do not qualify for the exclusion.

Lease or Rental

a. - b.vii. ...

viii. the *lease or rental* of machinery and equipment used predominantly and directly in the process of manufacturing *tangible personal property* for sale or used directly in the production, processing, and storing of food, fiber, or timber for sale. The meanings of "manufacturing," "used predominantly," and "used directly" provided in LAC 61:I.4301.C.*Cost Price*.h apply. This exclusion applies to *state sales or use tax and local sales or use taxes* if the

political subdivision has adopted this exclusion by ordinance.

c. - d. ...

Sales Price

a.i. - ix. ...

x. R.S. 47:301(13)(k) excludes machinery and equipment used predominantly and directly in the process of manufacturing *tangible personal property* for sale or used directly in the production, processing, and storing of food, fiber, or timber for sale from the *sales price*. For purposes of *sales price*, the interpretations provided under LAC 61:I.4301.C.*Cost Price*.h will apply. This exclusion applies to state sales tax and local sales taxes if the political subdivision has adopted this exclusion by ordinance. To determine *sales price* subject to tax, this exclusion is deducted from the total amount charged to the customer after allowances for trade-ins and before any exemptions provided elsewhere in the law.

b.i. - ii. ...

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 and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554 (December 2002), LR 28:2556 (December 2002), LR 29:186 (February 2003), LR 30:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the Notice of Intent in the *Louisiana Register*. A copy of this statement will also be provided to our legislative oversight committees.

1. The effect on the stability of the family. Implementation of these proposed amendments 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. Implementation of these proposed amendments 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. Implementation of these proposed amendments will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. Implementation of these proposed amendments will have no effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children. Implementation of these proposed amendments 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. Implementation of these proposed amendments will have no

effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Friday, September 24, 2004. A public hearing will be held on Tuesday, September 28, 2004, at 1:30 p.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Cynthia Bridges
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Sales and Use Tax Exclusion for
Manufacturing Machinery and Equipment**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Implementation costs to administer the sales tax exclusion for manufacturing machinery and equipment enacted by Acts 2004 1st Ex. Sess., No. 1, for the Department of Revenue are approximately \$190,000 for fiscal year 2004-2005, \$198,000 for fiscal year 2005-2006, and \$206,000 for fiscal year 2006-2007. The costs are to hire two Revenue Accounts Auditors and three Revenue Agents and to purchase the office equipment needed to administer the exclusion. These proposed amendments to LAC 61:I.4301 will not affect those costs. Implementation will have no impact on local governments' costs or savings because no local government has adopted this exclusion.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The phase-in of the sales tax exclusion for manufacturing machinery and equipment enacted by Acts 2004 1st Ex. Sess., No. 1, would reduce state sales tax revenues by \$5 million for fiscal year 2004-2005; \$20 million for fiscal year 2005-2006; \$40 million for fiscal year 2007-2008; \$76 million for fiscal year 2008-2009; \$96 million for fiscal year 2009-2010; \$121 million for fiscal year 2010-2011; and \$125 million annually when fully implemented in fiscal year 2011-2012. The Act allows local governments to adopt the exclusion by ordinance, and since no local government has adopted the exclusion, there will be no effect on local sales tax revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

These proposed amendments establish procedures for applying for the manufacturing machinery and equipment exclusion enacted by Acts 2004 1st Ex. Sess., No. 1, and provide guidance to taxpayers on what transactions qualify for the exclusion. It is estimated that the exclusion provided by the Act will save Louisiana manufacturers over \$120 million per year in state sales taxes when fully implemented in fiscal year 2011-12.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

These proposed amendments should have no effect on competition or employment.

Cynthia Bridges
Secretary
0408#052

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Sales and Use Tax Exemptions
(LAC 61:I.4401)

Under the authority of R.S. 47:301 and 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, proposes to amend LAC 61:I.4401 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. Revised Statute 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Notice of Intent.

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. While state and local sales or use tax laws are classified as general sales or use tax laws indicating that they apply broadly across all sales, use, consumption, or lease of tangible personal property as well as to some selected services, these laws do provide many exemptions.

B. R.S. 47:305(A) and (B) deal primarily with agricultural commodities, and the tax liabilities associated therewith, as they apply to all phases from production to final consumption or disposition. The broadest exemptions apply to the producer of agricultural commodities. Any sale of livestock, poultry, or other farm products made directly from the farm and directly by the producer regardless of the purpose to which it will be put when sold is exempt from these taxes. The producer is also exempt from use tax on any farm products consumed by him or his family. This exemption extends to livestock and livestock products, to poultry and poultry products, to farm, range or agricultural products so long as they are produced by the farmer and used by him and members of his family.

1. ...

a. livestock sold at a public sale which is sponsored by a breeder's association or a registry association is exempt from state sales or use tax;

b. livestock sold at a commercial livestock auction market which holds regularly scheduled auction sales, not

limited to any certain producer or producers is exempt from state and local sales or use tax;

c. race horses sold through entry in a claiming race, whereby the horse was claimed, at any racing meet held in Louisiana is exempt from state sales or use tax.

2. Exemptions afforded other persons in connection with agricultural commodities are limited depending upon the purpose for which they are sold. The only exemption in the law for any farm products sold directly to the consumer as a finished product, other than food sold under circumstances described in R.S. 47:305(D), is for sales made by the farmer directly from the farm. There are, however, very broad exemptions from state and local sales or use tax for all agricultural commodities sold by any person other than a producer as raw materials for use or for sale in preparing, finishing or manufacturing the commodities into merchandise intended for ultimate retail sale. This exemption applies to all horticultural, viticultural, poultry, farm and range products, livestock and livestock products. The exemption applies to the tax imposed on the sale, storage, use, transfer or any other utilization or handling of those products except when they are sold as a finished product to the final consumer. The law further provides that in no case shall there be more than one tax applied with respect to agricultural commodities.

3. - 3.c....

d. Specifically excluded from the exemption in R.S. 47:305(A)(4) is feed for animals held primarily for other purposes, even though they might be used in one or more exempt categories of use at times. For example, a registered breed pet which is occasionally bred for the purpose of selling the offspring is not considered held for commercial use.

C. R.S. 47:305(C) provides for the use tax cost basis of motor vehicle dealers' service vehicles which are withdrawn from resale inventory for use, such as towing trucks, parts trucks, delivery vehicles, etc. It provides that in determining the cost basis for use tax, a reduction is allowed if a used and previously taxed vehicle is simultaneously returned to resale inventory. That reduction in the cost basis of the newly withdrawn vehicle will be the wholesale value of the returned vehicle according to the current value published by the National Automobile Dealers Association.

D. In addition to exemptions granted for broad categories of property or transactions, R.S. 47:305(D) grants exemption for the sale or use of specific items of property. The sale at retail, use, consumption, distribution or the storage to be used or consumed, of gasoline, steam, electric power or energy, newspapers, natural gas, or fertilizer and containers used for farm products if they are sold directly to the farmer are specifically exempted from state and local sales or use tax.

1. In addition to the exemption for electric power or energy in R.S. 47:305(D)(1)(d), the sale and purchase of all materials and energy sources used to fuel the generation of electric power for resale by utility companies, and the sale and purchase of materials and energy sources for use by an industrial manufacturing plant to produce electric power for self-consumption or cogeneration are exempt from state and local sales or use tax.

2. Other fuels and specific applications of energy sources are exempted from the tax. R.S. 47:305(D)(1)(h)

exempts all energy sources used for boiler fuel except refinery gas. A boiler, for purposes of this exemption, means a pressure-regulated vessel into which water is placed and converted to steam by the application of heat, after which the steam is sold, used for heating purposes, electrical generation, or any other industrial use. R.S. 47:305(D)(1)(h), together with R.S. 47:305(D)(1)(g), also provides a limited exemption for refinery gas. The language in these two subparagraphs exempt refinery gas from both state and local sales or use tax, except when it is used as boiler fuel. *Refinery gas*, for sales tax purposes, is defined as a *by-product* gas or *waste* gas which is produced in the process of distilling crude petroleum into its refined marketable products. R.S. 47:305(D)(1)(h) also provides the formula by which the cost basis shall be computed annually for use taxation purposes. For the period of July 1, 1985, through December 31, 1985, the value shall be \$0.52 per 1,000 cubic feet, or MCF. For each succeeding calendar year thereafter, the cost basis shall be adjusted by multiplying \$0.52 by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December first of the preceding calendar year, and the denominator of which shall be \$29. Each annual cost basis, as computed by the Department of Revenue, shall be the maximum value placed upon refinery gas by any taxing authority.

3. - 4. ...

E.1. R.S. 47:305(D) provides, in part, an exemption from state sales or use tax upon the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this state for orthotic and prosthetic devices and patient aids prescribed by physicians or licensed chiropractors for personal consumption or use. *Orthotic*, by definition, means a branch of mechanical and medical science that deals with the support and bracing of weak or ineffective joints or muscles, and such things as orthopedic shoes, braces, crutches, wheelchairs, surgical supports, and traction equipment are exempt from taxation, while such items as prescription eyeglasses and hearing aids are not covered by the exemption. *Prosthesis*, by definition, means the replacement of a missing part of the body, as a limb or eye, by an artificial substitute, and such things as artificial eyes, legs, or arms are exempt from taxation. Toupees, eyeglasses, corrective lenses, and similar items are not covered by the exemption. Patient aids mean such equipment as sickroom supplies and other tangible personal property used for the convenience and comfort of the patient. In all instances, the orthotic and prosthetic devices and patient aids must be prescribed by a physician or a licensed chiropractor for personal use or consumption in order for the sale to be exempt for sales tax purposes. Further, the rental tax and sales tax for repairs to orthotic and prosthetic devices and patient aids are not exempted under R.S. 47:305(D).

2. For the purposes of state and local sales or use tax, orthotic devices, prosthetic devices, prostheses and restorative materials utilized by or prescribed by dentists in connection with health care treatment or for personal consumption or use and any and all dental devices used exclusively by the patient or administered exclusively to the patient by a dentist or dental hygienist in connection with dental or health care treatment are exempt. Dental prosthesis includes but is not limited to, full dentures, fixed and removable dental prosthesis and all parts thereof, and all

other items associated with replacement and restoration of the teeth, which by law also necessitates a prescription from the attending dentist for fabrication.

F.1. R.S. 47:305(D) provides an exemption from state sales or use 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. - 4. ...

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 state and local sales or use tax, 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 and tax should be charged on the entire gross receipts rather than just the receipts from the outsiders or the general public.

6. ...

7. For state sales or use tax purposes, stores, institutions, and organizations can purchase food items for resale without paying the advance sales tax that must be collected by wholesale dealers under R.S. 47:306(B) provided the ultimate retail sale or consumption of the food is exempt. 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. For state sales or use tax purposes, drugs prescribed by a physician, dentist or other persons authorized to issue medical prescriptions for personal consumption or use are exempt. For a definition of *drugs*, refer to R.S. 47:301(20). Retail establishments are authorized to allow this exemption for any retail sale thereof which is sold due to the presentation of a medical prescription authorizing such sale. Persons selling drugs, medicine, or ingredients thereof to drug stores which cannot be sold at retail without the authorization of a medical prescription are deemed to be making exempt sales, and as such, the advance state sales tax should not be charged. Since hospitals and sanitariums are primarily engaged in the business of selling services supervised and directed by medical doctors, persons selling drugs, medicine, or ingredients thereof to such institutions are deemed to be making exempt sales, and as such, state sales taxes should not be charged. If a hospital or sanitarium operates any divisions that sell tangible personal property to the public, such as a prescription department, then the hospital or sanitarium becomes liable for the tax upon the gross receipts or gross proceeds derived from such sales, except for drugs sold on prescriptions which are specifically

exempt from taxation. For sales tax exemptions pertaining to insulin, see R.S. 47:305.2.

1. In addition to drugs, R.S. 47:305(D) provides an exemption from state sales or use tax for any and all medical devices, but only when they are used personally and exclusively by the patient, and only when the medical device is purchased by the patient on the written authority of a registered physician for use in the medical treatment of a disease. Purchases of identical medical devices by hospitals and other medical institutions, for use in administering the medical treatment to a patient would not qualify for exemption under R.S. 47:305(D)(1)(s).

2. All of the exemptions provided by R.S. 47:305(D), except for the exemptions on food and drugs, orthotic and prosthetic devices, and patient aids prescribed by physicians or licensed chiropractors for personal consumption or use apply to state and local sales or use tax. The exemptions for food and drugs, orthotic and prosthetic devices, and patient aids prescribed by physicians or licensed chiropractors apply only to state sales or use tax.

H. R.S. 47:305(D)(1)(i) provides, in part, an exemption from state and local sales or use tax for new automobiles and new aircraft withdrawn from stock by factory authorized new automobile and new aircraft dealers, with the approval of the secretary and titled in the dealers' name for use as demonstrators. There are several restrictions involved in this particular exemption: first, the dealer must be a factory authorized new automobile or aircraft dealer; second, the car or plane withdrawn from stock must be a new automobile or aircraft; and third, the car or plane must be titled in the dealer's name for use solely as a demonstrator. In order to qualify as a demonstrator, the units can be driven or flown only by personnel attached to the respective dealership or by a prospective customer accompanied or supervised by personnel from the respective dealership. The car or plane cannot be used by members of the family of dealership personnel nor can the units be used to run errands or for pleasure purposes. The term demonstrators will be construed in its narrowest sense and is limited to use of the property for display of its qualities to prospective customers. Only a very limited use by authorized dealer personnel is permissible in accordance with the provisions of R.S. 47:305(H). Approval of the secretary is required in titling the car as a demonstrator. Writing of the word demonstrator across the face of the license application will be accepted as sufficient request for approval and issuance of the license by the secretary on an application bearing such notation will constitute full approval by the secretary. Since new aircraft are titled in the name of the dealership upon purchase, a request for and approval of the unit as a demonstrator will be granted provided the dealership dates and signs the bill of sale and retains it in his possession for verification by Department of Revenue personnel. If any misuse of the demonstrator is detected subsequent to approval of the unit as a demonstrator, the transaction immediately becomes taxable, and the dealer will be held responsible for the tax due thereon.

I. R.S. 47:305(E) makes it clear that the taxes imposed under state and local sales or use tax laws do not apply to tangible personal property manufactured or produced in this state or imported in this state for export outside the state. The exemption applies solely to the property for export and

does not apply to tangible personal property used, consumed, or expended in the manufacturing process, unless the conditions for exemption set forth in R.S. 47:301(10) are met. Neither do state and local sales or use tax laws levy a tax on bona fide interstate commerce. In addition, it has been provided that when property comes to rest in a taxing jurisdiction and has become a part of the mass of the property in that taxing jurisdiction, it is no longer involved in interstate commerce and its sale, use, consumption, distribution or storage for use there will be taxable. Specific pieces of property which have been clearly labeled for transshipment outside the taxing jurisdiction at the time of its manufacture or importation into the taxing jurisdiction would meet the exemption requirements even though it may be stored for an indefinite period of time. Any disposition of the property for a purpose contrary to that originally intended would immediately subject the property to the tax.

J. R.S. 47:305(F) exempts materials and the use of film, video or audio tapes, records, and any other means of exhibition or broadcast, supplied by licensors to radio and television broadcasters from the taxes imposed by state and local sales or use tax laws. The exemption applies to amounts paid for the right to exhibit or broadcast copyrighted material and to the use of other materials supplied by licensors but does not apply to film, tapes, or records purchased outright by the broadcaster and retained in his private library. The exemption from the sales and use tax is further extended to apply to licensors or distributors of such material. This exemption, however, does not apply to the lease tax which might be due by licensors or distributors in cases where they lease the material from the owner or producer thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.

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), LR 30:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of these proposed amendments 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. Implementation of these proposed amendments 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. Implementation of these proposed amendments will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed amendments will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed amendments 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. Implementation of these proposed amendments will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Friday, September 24, 2004. A public hearing will be held on Tuesday, September 28, 2004, at 10 a.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Sales and Use Tax Exemptions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Acts 2003, No. 73 enacted R.S. 47:337.1 et seq., the Uniform Local Sales Tax Code. R.S. 47:337.2(C)(2), which provides for the development of uniform regulations that are common to both state and local sales tax laws, allowed local sales tax collectors until January 1, 2004, to request the Secretary of Revenue to amend any Department of Revenue regulation in effect on July 1, 2003, concerning a common sales tax law so that the regulation applies uniformly to both state and local sales and use tax laws. The proposed amendments to LAC 61:14401 are in response to requests received from local sales tax collectors. Implementation of these proposed amendments, which make no changes to the administration of state or local sales and use tax laws regarding transactions subject to tax, will have no effect on state or local governmental unit costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on the revenue collections of state or local governmental units as a result of these proposed amendments. Act 2003, No. 73 allowed local tax collectors to request amendments to provide for the uniform application of sales and use tax laws common to state and local impositions. The amendments requested by the local tax authorities reflect the current administration of the state and local sales and use tax laws and will have no effect on state or local sales tax revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

These proposed amendments will have no effect on economic costs or benefits to Louisiana taxpayers since they do not alter the manner in which state or local sales and use tax laws are administered. Taxpayers will benefit by having a single source of regulations for state and local sales and use taxes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no effect on competition or employment.

Cynthia Bridges
Secretary
0408#054

H. Gordon Monk
Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Uniform State and Local Sales Tax Definitions (LAC 61:I.4301)

Under the authority of R.S. 47:301 and 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, proposes to amend LAC 61:I.4301 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. R.S. 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Notice of Intent.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 43. Sales and Use Tax

§4301. Definitions

A. ...

B. Words, terms and phrases defined in R.S. 47:301(1) through R.S. 47:301(27), inclusive, have the meaning ascribed to them therein and as further provided in §4301.C.

C. ...

Business

a. *Business* covers any activity reasonably expected to result in gain, benefit or advantages, either directly or indirectly; the fact that operations resulted in a loss or did not provide the expected benefits or advantages would not eliminate an activity from the *business* classification. It is intended that some degree of continuity, regularity or permanency be involved so that the doing of any single act pertaining or related to a particular business would not be considered engaging in or carrying on that business; a series of such acts would be so considered.

b. - d. ...

Collector

a. In reference to *state sales* or *use tax*:

i. **Collector** The secretary and the secretary's duly authorized assistants. Any duly authorized representative of the *collector*, when acting under his authority and direction, has the same powers and responsibilities as the *collector*, but only to the extent so delegated.

ii. **Secretary** The secretary of the Department of Revenue of the state of Louisiana.

b. In reference to *local sales* or *use tax*:

i. **Collector** The director, tax administrator, commission, or collector of revenue for the jurisdiction and includes the *collector's* duly authorized assistants. Any duly authorized representative of the *collector*, when acting under his authority and direction, has the same powers and responsibilities as the *collector*, but only to the extent so delegated.

ii. Article VII, Section 3 of the Constitution of Louisiana and R.S. 47:337.14 provide that sales and use taxes levied by a *political subdivision* shall be collected by a centralized parish wide collector or commission.

c. The authority to make assessments, impose or waive penalties, enter into agreements legally binding upon the *taxing authority* relative to extensions of time, for filing, running of prescriptive periods, installment payments of tax liability, and the filing and release of assessments and liens has been delegated extremely sparingly. Most employees of the *taxing authority* do not have authority to perform these functions on behalf of the *collector*. Questions involving any of those legal actions should be addressed directly to the *collector*, who has sole power to delegate his authority in those areas.

d. No action taken by any employee shall be binding upon the *collector* unless specific authority has been delegated to the employee for the type of action taken.

Cost Price

a.i. - ii. ...

iii. The lesser of the two values applies, regardless of the manner by which the property was acquired, whether by purchase, by manufacture, or otherwise, and regardless of whether acquired within the *taxing jurisdiction* or outside the *taxing jurisdiction*.

b. - c. ...

d. In arriving at actual cost of *tangible personal property* for the purpose of the required comparison, all labor and overhead costs which are billed to the *purchaser* of the property, except for separately stated installation charges, are included. In the case of property manufactured; fabricated and/or altered to perform a specific function prior to the tax incident, every item of cost must be included. Thus, material, labor, overhead, and any other cost of any nature whatsoever must be included. However; labor, overhead, and other costs which represent services rendered to the property by the owner or his employees are not to be included. *Employees*, are defined to mean personnel who are on the property owner's payroll on a permanent basis, and not for the sole purpose of completing the immediate tasks of rendering their services to the property in question, and for which all payroll taxes are withheld and remitted by the property owner. The only transportation charges which are to be included in the cost are the transportation charges which can be identified as part of the acquisition cost of materials, and only in cases wherein the transportation was either performed or arranged by the vendor of the materials.

e. - f. ...

g. Since installation is not included as a taxable service, the cost of installing tangible personal property should not be included in *cost price* if such cost were separately billed or accounted for at the time of installation

so as to afford positive identification. In the absence of separate billing or accounting for installation costs, they will be included in arriving at *actual cost*. R.S. 47:301(3)(c) specifically provides that the separately stated charge made by oil field board road dealers for the initial furnishing and installation of board roads shall not be included in the *cost price* of the rental or sale.

Dealer

a. *State and local sales or use tax* is imposed upon the sales of tangible personal property within a *taxing jurisdiction*, the use, consumption, distribution and the storage for use or consumption within a *taxing jurisdiction* of tangible personal property, the lease or rental within a *taxing jurisdiction* of tangible personal property, and upon the sales of certain services. The tax in each instance is collectible from the *dealer*.

b. In view of the total reliance of the sales tax statutes upon the *dealer* for collection of the tax, the law meticulously ascribes to the term *dealer* the broadest possible meaning relevant to the taxes imposed by the *taxing jurisdictions*. R.S. 47:301(4) clearly holds either party to any transaction, use, consumption, storage, or lease involving tangible personal property and either the performer or recipient of services liable for payment of the tax through the broad statutory definition of *dealer*.

c. R.S. 47:301(4) includes as a *dealer* every person who manufactures or produces tangible personal property for sale at retail, use, consumption, distribution or for storage to be used or consumed in a *taxing jurisdiction*. Thus, the firm which manufactures or produces a product used or consumed by it in the conduct of its business becomes a *dealer* for sales and use tax purposes, even though none of that particular product is offered for sale.

d. Any person who imports property into a *taxing jurisdiction*, or who causes property to be imported into a *taxing jurisdiction* is a *dealer* for purposes of the sales and use tax whether the property is to be used, consumed, distributed, or for storage to be used or consumed in the *taxing jurisdiction*, or is intended for resale.

e. Persons who sell tangible personal property, who hold such property for sale, or who have sold tangible personal property are *dealers*. Similarly, any person who has used, consumed, distributed or stored tangible personal property for use or consumption in a *taxing jurisdiction* is defined as a *dealer*, unless it can be proved that sales or use tax has previously been paid to the *taxing jurisdiction* to the extent required by *state and local sales or use tax* law on the particular item.

f. ...

g. *Dealer* also includes any person engaging in business in a *taxing jurisdiction*. See R.S. 47:301(1) and LAC 61:I.4301.C.*Business* for the definition of *business*. *Engaging in business* is further defined to include the maintaining of an office, distribution house, sales house, warehouse or other place of business, either directly, indirectly, or through a subsidiary or through a seller authorizing an agent, salesman or solicitor to operate within a *taxing jurisdiction* or by permitting a subsidiary to authorize the solicitation activity. *Engaging in business* also includes making deliveries of tangible personal property into a *taxing jurisdiction* by any means other than by a common or contract carrier. Qualification to do business within a

taxing jurisdiction is not among the considerations of whether a person is engaged in business for this purpose. Neither is it material whether the place of business or personnel are permanent or temporary in nature.

h. Persons who sell tangible personal property to operators of vending machines are *dealers*.

i. For *state sales or use tax* purposes, such sales are taxable *sales at retail* as defined under R.S. 47:301(10)(b) and LAC 61:I.4301.C.*Retail Sale or Sale at Retail*. A vending machine operator is also a *dealer*, however, his sales of tangible personal property through coin-operated vending machines are not retail sales.

ii. For *local sales or use tax* purposes, such sales are sales for resale. A vending machine operator is a *dealer* and must report his sales of tangible personal property through coin-operated vending machines as retail sales.

i. R.S. 47:301(4)(i) also includes in the definition of *dealer* any person who makes deliveries of tangible personal property into a *taxing jurisdiction* in a vehicle which is owned or operated by that person.

Drugs

a. R.S. 47:301(20) applies a broader definition of *drugs* than the term indicates in common usage, for purposes of applying the exemption from *state sales or use tax*, which is offered under R.S. 47:305(D)(1)(j) and (s). This definition encompasses not only pharmaceutical remedies and chemical compounds, but also medical devices which are prescribed for use in the treatment of any medical disease. Devices which do not properly fall into the already established categories of orthotic or prosthetic devices or patient aids, could qualify for this category of tangible personal property. Examples of these would be pace-makers and heart catheters.

b. Except as otherwise provided, the exemption for *drugs* and medical devices does not apply to *local sales or use tax*.

Gross Sales

a. *Gross Sale* means the total of the sales prices for each individual item or article of tangible personal property subject to *state or local sales or use tax* with no reduction for any purpose, unless specifically provided by statute.

b. The only deductions allowed from the total of the sales prices of all items of tangible personal property subject to tax are those provided in R.S. 47:301(13), R.S. 47:315, and R.S. 47:337.34.

c. R.S. 47:301(13)(a) permits the total sales price of an article of tangible personal property to be reduced by the part of the selling price represented by an article traded in. The allowed deduction is not to exceed the market value of the item traded in. For this purpose, the market value is the amount a willing seller would receive from a willing buyer in an arms length exchange of similar property at or near the location of the property being traded.

d. R.S. 47:315 and R.S. 47:337.34 allow the total of sales prices of all items of tangible personal property subject to the tax to be reduced by the selling price of any article of property returned to the seller in such manner as to cancel the transaction. Repossessions of property sold on the installment basis because of failure by the purchaser to make agreed installment payments do not constitute a return of merchandise allowable as a deduction from *gross sales* and

the sales price for the subsequent sale of repossessed property is fully taxable and must be included in *gross sales*.

e.i. For sales of certain property specifically exempted from all or a part of the *state sales or use tax*, see R.S. 47:301(10) with respect to isolated or occasional sales made by a person not engaged in the business of making such sales, R.S. 47:305 with respect to the sales of livestock, poultry and other farm products by the producer and the sales of agricultural products as a raw material for further processing before the sale at retail to the ultimate consumer, R.S. 47:305(D) and R.S. 47:305.1 through R.S. 47:305.52 for various other exemptions.

ii. For purposes of *local sales or use tax*, only those exemptions referenced in R.S. 47:337.9, R.S. 47:337.10, and R.S. 47:337.11 of the Uniform Local Sales Tax Code will apply.

Hotel

a. The term *hotel* has been defined under R.S. 47:301(6) to be somewhat more restrictive than normally construed, both as to use of the facility and relative size. Only those establishments engaged in the business of furnishing sleeping rooms, cottages or cabins primarily to transient guests consisting of six or more guest or sleeping rooms at a single business location meet the statutory definition. If an establishment has less than six sleeping rooms, cottages or cabins at a single business location or if more than one-half of the guests are permanent, regardless of the number of sleeping rooms, cottages or cabins, the establishment is not a *hotel* for purposes of *state and local sales or use tax*.

b. - c. ...

Local Sales or Use Tax sales or use tax imposed by a *political subdivision* whose boundaries are not coterminous with those of the state under the constitution or laws of the state authorizing the imposition of a sales and use tax.

Person

a. The term *person* includes:

i. ...

ii. artificial persons, including, but not limited to, corporations, limited liability companies, estates, trusts, business trusts, syndicates, cities and parishes, parishes, municipalities, this state, any district or political subdivision, department or division thereof, any board, agency, or other instrumentality thereof, acting unilaterally or as a group or combination, as well as receivers, referees in bankruptcy, agricultural associations, labor unions, firms, copartnerships, partnerships in commendam, registered limited liability partnerships, joint ventures, associations, singularly or in the plural, who have the legal right or duty, whether explicit, implied or assumed, to perform any of the transactions described in state and local sales or use tax law.

b. - c.ii. ...

(a). regionally accredited independent institutions of higher education that are members of the Louisiana Association of Independent Colleges and Universities. Purchases, leases, or rentals of tangible personal property or purchases of taxable services by these institutions that are directly related to the educational missions of eligible institutions are excluded from *state sales or use tax*. Purchases, leases, and rentals directly related to the educational mission of the eligible institution are

interpreted broadly to include those transactions required to construct, maintain, or supply classrooms, libraries, laboratories, dormitories, athletic facilities, and administrative facilities. Examples include purchases of supplies, equipment, utilities, leases or rentals of equipment, and repair services to university property;

(b). churches and synagogues exempt under Internal Revenue Code Section 501(c)(3) are excluded from paying state and local sales and use tax on purchases of bibles, songbooks, or literature used for religious instruction classes. Eligible institutions must obtain certificates of authorization from the Taxpayer Services Division of the Department of Revenue.

d. - f.iv. ...

Political Subdivision as provided in Article VI, Section 44(2) of the Constitution of Louisiana, a *political subdivision* means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

Purchaser

a. *Purchaser* is defined to include not only persons who acquire tangible personal property in a transaction subject to *state and local sales or use tax*, but also any person who acquires or receives the privilege of using any tangible personal property, as in the case of property rented from others, or any person who receives services of a nature subject to tax.

b. The term is construed to complement *dealer* as defined in R.S. 47:301(4) and the *collector* may proceed against either for any tax due.

Retail Sale or Sale at Retail

a. The major tax levied by *state and local sales or use tax* is imposed upon *retail sales* or *sales at retail* which contemplates the taxing of any transaction by which title to tangible personal property is transferred for a consideration, whether paid in cash or otherwise, to a person for any purpose other than for resale.

b. While specific exclusions are provided in R.S. 47:301(10) with respect to sales of materials for further processing into articles for resale and with respect to casual, isolated, or occasional sales, and exemptions are provided for sales of particular items or classes of property by R.S. 47:305 and R.S. 47:305.1 through R.S. 47:305.52, the intent of the law is to classify every sale made to the final user or consumer for any imaginable purpose, other than for resale, as a *retail sale* or a *sale at retail*. For purposes of R.S. 47:301(10), whether a transaction is exempt from taxation by statute, jurisprudence, or by constitution has no bearing on classification of the transaction.

c. Sales made by and to vending machine operators are subject to tax as follows:

i. For purposes of *state sales or use tax*, sales of tangible personal property to operators of coin-operated vending machines are *sales at retail*. Thus, dealers who resell tangible personal property through coin-operated vending machines are treated as consumers of the articles of property they purchase for resale by vending machine and are liable for sales or use tax on their acquisition cost of the articles. The resale of the property through vending machines is not a *retail sale* and is not subject to *state sales or use tax*.

ii. For purposes of *local sales or use tax*, the sale of property through vending machines is a *retail sale* subject to sales tax.

d. ...

e. It is not the intention of *state and local sales or use tax* law to impose a tax on an isolated or occasional sale, frequently termed a *casual sale*, except with respect to the sale of motor vehicles, which are specifically covered by R.S. 47:303(B) and R.S. 47:337.15(B)(2). The primary consideration in determining whether a sale meets exemption requirements is whether the seller is in the business, or holds himself to be in the business, of selling merchandise or tangible personal property of similar nature, and not solely upon the frequency of the transactions. As examples, a firm engaged in the retail grocery business who sold a cash register originally acquired for their own use is not engaged in the business of selling cash registers, and the sale would be exempt; an office machine firm who sold carpeting acquired for their own use is not in the business of selling carpets, and the sale would be exempt; the periodic sale of articles by auction to recover storage, repair or labor liens unpaid by the owner of the property are exempt, provided the person forcing the sale does not hold himself out to be in the business of selling such merchandise. If the person causing the sale of property by auction takes title to the property prior to sale, it will be presumed that he has become engaged in the business and the sales will be taxable.

Retailer

a. The term *retailer* as used in *state and local sales or use tax* law not only covers persons engaged in the *business* (as defined in R.S. 47:301(1) and LAC 61:I.4301.C.*Business*) of making *retail sales* or *sales at retail* (as defined in R.S. 47:301(10) and LAC 61:I.4301.C.*Retail Sale* or *Sale at Retail*), but also includes any person engaged in the business of transferring title to tangible personal property for a consideration to others for their use or consumption, or for distribution or for storage to be used or consumed within a *taxing jurisdiction*.

b. ...

Sales of Services

a. *State and local sales or use tax* law basically treats the furnishing of services and permission to use certain kinds of property the same as the sale of merchandise, and the law classifies those items as *sales of services*. Only those services specifically itemized under the provisions of R.S. 47:301(14)(a)-(g), are subject to *state and local sales or use tax* law. Telecommunications services defined in R.S. 47:301(14)(i) are subject only to *state sales or use tax* law.

b. ...

c. R.S. 47:301(14)(a) includes the furnishing of sleeping rooms, cottages, or cabins by *hotels* as *sales of services*. *Hotels* have been defined in R.S. 47:301(6) and the regulation issued under LAC 61:I.4301.C.*Hotel*. If an establishment meets the definition of a *hotel* under these laws, all charges for the furnishing of rooms in that establishment, other than to permanent full-time occupants, constitute *sales of services*.

d. Under the provisions of R.S. 47:301(14)(b) charges for admissions to places of amusement, entertainment, recreation, or athletic events, except those

sponsored by schools, colleges, or universities, are classified as *sales of services* and as such are taxable. Note that only those events which are sponsored by schools, colleges, and universities are exempt. The same admissions charged by charitable, religious, social and other organizations are taxable, unless specifically exempted under some other provision.

i. - ii. ...

e. ...

f. R.S. 47:301(14)(d) provides that the furnishing of printing or overprinting, lithograph and multilith, blue printing, photostating, or other similar services of reproducing written or graphic matter, shall be included under *sales of services*. Generally, the activities of persons engaged in this type of business fall within two basic categories. The first is the production of tangible personal property, whereby raw materials are converted into items such as circulars, books, envelopes, folders, posters and other types of merchandise which are sold directly to their customer. These transactions fall within the definition of *sales* at R.S. 47:301(12) and are taxable as sales of tangible personal property. The materials used by the printer in the production of the end product are covered by the exemption provided in R.S. 47:301(10), and are exempt to the printer at the time of purchase by him. In addition, R.S. 47:305.44 and R.S. 47:337.9(D)(20) provide an exemption for raw materials and certain consumables which are consumed by a printer. The second basic business activity engaged in by printers which subject them to the provisions of the sales tax law is the furnishing of services. This classification covers printing done on materials furnished by the printer's customers which are returned to the customer upon completion of the printer's service. In cases where plates, mats, photographs, or other similar items are used in the performance of either a pure service as intended by R.S. 47:301(14)(d) or whether in the production of tangible personal property, if those materials are delivered to the printer's customer and a charge therefore is made, this transaction constitutes a sale of tangible personal property and is taxable. In cases where the materials are delivered to the customer and no charge is made, it is presumed that the charge for services or the charge for other printed matter delivered to the customer is sufficiently high to include the billing for those materials.

g. - h.iv.(b). ...

i. R.S. 47:301(14)(g)(i) includes as *sales of services* the furnishing of repairs to tangible personal property. By clear illustration in the statute, both repair and routine servicing of all kinds of tangible personal property are included as taxable services. For *state sales or use tax* purposes only, repairs performed within Louisiana on *tangible personal property* are taxable *sales of services* except for repaired property which is returned to a customer located in another state by common carrier or by the repair dealer's vehicle. The charge for repairs to property returned to a customer's location in the offshore area are taxable regardless of the mode of transportation. Repair services performed outside the state of Louisiana to property which is normally or permanently located here except for its removal for repair, would not be taxable for *state sales or use tax* purposes. However, if property is shipped outside the state for repairs, any additions made thereto may subject the

property to the use tax imposed by R.S. 47:302(A)(2) upon its return to the state. If personnel normally attached to a repair installation within the state go outside the state, for instance, to a location offshore which is clearly outside the limits of the state of Louisiana to perform repairs, those repairs are not taxable.

i. Prepaid repairs such as maintenance contracts and other similar transactions are included in *sales of services*, if the tangible personal property to which they apply is located in Louisiana and the agreement calls for any necessary repairs to be performed at the location of the property.

ii. ...

State sales or use tax A sales or use tax imposed by the state under Chapters 2, 2-A, or 2-B of Subtitle II of Title 47 of the Revised Statutes of 1950, as amended, or by a political subdivision of the state whose boundaries are coterminous with those of the state.

Storage For *state sales or use tax* purposes only, since storage for use or consumption of tangible personal property is taxed under the provisions of R.S. 47:302, R.S. 47:321, and R.S. 47:331, the term *storage* is defined herein to exclude storage of property which will later be sold at retail and taxed because of the sale. The term does not require the keeping of property in a warehouse but includes the keeping or retention or stockpiling of property in any manner whether indoors or out. If property has come to rest in this state and will later be used or consumed here, it meets the definition of *storage*.

Tangible Personal Property

a.i. - iv. ...

b. The following items are specifically defined as *tangible personal property* by law:

i. for *state sales or use tax* purposes only, prepaid telephone cards and authorization numbers; and

ii. for *state and local sales or use tax* purposes, work products consisting of the creation, modification, updating, or licensing of canned computer software.

c. - h.v. ...

Taxing Authority The state of Louisiana, a statewide political subdivision, and any political subdivisions of the state authorized to levy and collect a sales or use tax by the Constitution or laws of the state of Louisiana. The state of Louisiana and political subdivisions whose boundaries are coterminous with those of the state are *state taxing authorities*. Political subdivisions whose boundaries are not coterminous with those of the state are *local taxing authorities*.

Taxing Jurisdiction The geographic area within which a *taxing authority* may legally levy and collect a sales or use tax.

Use

a. *Use* under *state and local sales or use tax* law is intended to include not only the commonly accepted concept of use but also to cover the consumption, the distribution, or the storage, or the exercise of any right of power over tangible personal property. Since tax is imposed on the sale of tangible personal property, *use* has been defined to specifically exclude property sold at retail in the regular course of business.

b. ...

Use Tax The tax paid under *state and local sales or use tax* law for the use, consumption, distribution, or storage for use, distribution, or consumption within a *taxing jurisdiction* in lieu of sales taxes. This is the tax required to be paid if no sales tax has been paid on tangible personal property which is used, consumed, distributed, or stored for use within the *taxing jurisdiction*.

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 and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554, 2556 (December 2002), LR 29:186 (February 2003), LR 30:1306 (June 2004), LR 30:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of these proposed amendments 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. Implementation of these proposed amendments 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. Implementation of these proposed amendments will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed amendments will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed amendments 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. Implementation of these proposed amendments will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Friday, September 24, 2004. A public hearing will be held on Tuesday, September 28, 2004, at 10 a.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Uniform State and Local
Sales Tax Definitions**

**Title 67
SOCIAL SERVICES
Part V. Office of Community Services
Subpart 4. Family Services**

Chapter 23. Daycare

§2301. Daycare Program

A. The Department of Social Services, Office of Community Services will only provide day care services to children who are at risk of abuse and/or neglect, and for foster care and adoption reasons.

B. Class A Day Care Centers will be reimbursed for services at a maximum rate of \$17.50 per day for full-time and \$2.18 per hour for part-time day care services for children under the age of three years. Centers will be reimbursed for services at a maximum rate of \$16.50 per day for full-time and \$2.06 per hour for part-time day care services for children age three years and over. When a center's rate is less than the maximum amount reimbursed by the department, the department reimbursement rate will be their usual charge for day care services.

C. The department will reimburse centers for up to five days per month per eligible child for absences when the plan is for the child to return to the center.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 11:689 (July 1985), amended by the Department of Social Services, Office of Community Services, LR 18:868 (August 1992), LR 25:2443 (December 1999), and LR 30:

Family Impact Statement

1. The effect on the stability of the family. This Rule could positively impact family stability by improving the quality of care supplied by childcare providers for children receiving services.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. This Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children. The services are a parental option and the parents choose the day care facility their children attend.

3. The effect on the functioning of the family. This Rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. This Rule will have no effect as the department reimburses the center for the services.

5. The effect on the behavior and personal responsibility of children. This Rule 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. No, this program and the procedure for reimbursement are agency functions.

All interested persons may submit written comments to Marketa Garner Gautreau, Assistant Secretary, Office of Community Services, P. O. Box 3318, Baton Rouge, LA, 70821. She is the person responsible for responding to inquiries regarding this proposed Rule.

Ann S. Williamson
Secretary

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Acts 2003, No. 73 enacted R.S. 47:337.1 et seq., the Uniform Local Sales Tax Code. R.S. 47:337.2(C)(2), which provides for the development of uniform regulations that are common to both state and local sales tax laws, allowed local sales tax collectors until January 1, 2004, to request the Secretary of Revenue to amend any Department of Revenue regulation in effect on July 1, 2003, concerning a common sales tax law so that the regulation applies uniformly to both state and local sales and use tax laws. The proposed amendments to LAC 61:1.4301 are in response to requests received from local sales tax collectors. Implementation of these proposed amendments, which make no changes to the administration of state or local sales and use tax laws regarding transactions subject to tax, will have no effect on state or local governmental unit costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on the revenue collections of state or local governmental units as a result of these proposed amendments. Act 2003, No. 73 allowed local tax collectors to request amendments to provide for the uniform application of sales and use tax laws common to state and local impositions. The amendments requested by the local tax authorities reflect the current administration of the state and local sales and use tax laws and will have no effect on state or local sales tax revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

These proposed amendments will have no effect on economic costs or benefits to Louisiana taxpayers since they do not alter the manner in which state or local sales and use tax laws are administered. Taxpayers will benefit by having a single source of regulations for state and local sales and use taxes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no effect on competition or employment.

Cynthia Bridges
Secretary
0408#053

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

Day Care Reimbursement Rates (LAC 67:V.2301)

The Department of Social Services, Office of Community Services, proposes to amend the Louisiana Administrative Code, Title 67, Part V, Subpart 4, Family Services, pursuant to the authority granted to the department by the Child Care and Development Fund (CCDF) and to establish standard rates for day care services reimbursed by the department.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Day Care Reimbursement Rates**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The cost in FY 2004/2005 for the increase in the reimbursement rates to Class A Day Care Centers is expected to be \$709,603. The increase went into effect in May 2004 with an emergency rule; therefore, the increase will be in effect at the start of the fiscal year.
There will be no savings as a result of the increase in the reimbursement rates to day care centers.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be 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)
There are no costs or economic benefits to directly affected persons (OCS clients). The increased reimbursement rates will maintain and permit daycare providers to provide quality daycare services to OCS clients.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Carmen D. Weisner
Deputy Assistant Secretary
0408#067

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

2005 Turkey Hunting Season (LAC 76:XIX.113-117)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey rules and regulations for the 2005 season.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final Rule and the preparation of reports and correspondence to other agencies of government.

**Title 76
WILDLIFE AND FISHERIES**

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§113. Turkey Hunting Regulations

A. Daily limit is one gobbler, two gobblers per season. Taking of hen turkeys, including bearded hens, is illegal. Still hunting only. Use of dogs, baiting, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead or BB steel shot, and bow and arrow but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited.

B. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys.

C. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed.

D. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closure.

E. The Department of Wildlife and Fisheries strongly discourages feeding agricultural grains to wild turkeys as this practice increases the risk of birds contracting potentially lethal diseases. Repeatedly placing grain in the same area may expose otherwise healthy birds to disease contaminated soils, grain containing lethal toxins and other diseased turkeys using the same feeding site. Properly distributed food plots (clovers, wheat, millet and chufa) are far more desirable for turkeys and have the added benefit of appealing to a wide variety of wildlife.

F. It is unlawful to take from the wild or possess in captivity any live wild turkeys or their eggs. No pen raised turkeys from within or without the state shall be liberated (released) within the state.

G. All licensed turkey hunters are required to have a Turkey Stamp in their possession while turkey hunting in addition to basic and big game hunting licenses. Additionally, a WMA Hunting Permit is required of any person (age 18-59) who hunts on land administered by the Department of Wildlife and Fisheries, including Wildlife Management Areas, Wildlife Refuges, and Habitat Conservation Areas.

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 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:

§115. Statewide Turkey Hunting Areas-Resident Game Birds and Animals

A. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

Species	Season Dates	Daily Bag Limit	Possession Limit
Turkey	See Schedule	1	2/Season

B. Turkey season will open in designated areas on the fourth Saturday in March. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 9 consecutive days in length. Wildlife Management Areas, National Forests, National Wildlife Refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may

occur in those years when the fourth Saturday in March falls the day before Easter.

C. Statewide Youth Turkey Season on private lands shall be the weekend prior to the statewide turkey season. Only youths younger than 16 years of age may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. Legal weapons and shot are the same as described for the turkey season. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Only one gobbler per day may be taken and any gobbler taken by the youth during this special season counts towards their seasonal bag limit of 2.

D. 2005 Turkey Hunting Schedule

Area	Season Dates
A	March 25 - April 24
B	March 25 - April 17
C	March 25 - April 3
Private Lands Youth Hunt	March 19 - 20

E. 2005 Turkey Hunting Season Open Only in the Following Areas

1. Area A March 25-April 24
 - a. All of the following parishes are open:
 - i. Beauregard;
 - ii. East Baton Rouge;
 - iii. East Feliciana;
 - iv. LaSalle;
 - v. Livingston;
 - vi. Natchitoches (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - vii. Sabine;
 - viii. St. Helena;
 - ix. St. Tammany;
 - x. Tangipahoa;
 - xi. Vernon (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - xii. Washington;
 - xiii. West Baton Rouge;
 - xiv. West Feliciana (including Racourci Island).
 - xv. Winn (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - b. Portions of the following parishes are also open:
 - i. Allen: North of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;
 - ii. Avoyelles: That portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;
 - iii. Calcasieu: North of I-10;
 - iv. Caldwell: West of Ouachita River southward to Catahoula Parish line;

v. Catahoula: West of Ouachita River southward to LA 559 at Duty Ferry, north of LA 559 to LA 124, south and west of LA 124 from Duty Ferry to LA 8 at Harrisonburg and north and west of LA 8 to LaSalle Parish line. ALSO that portion lying east of LA 15;

vi. Concordia: That portion east of LA 15 and west of US 65 from its juncture with LA 15 at Clayton;

vii. Evangeline: North and west of LA 115, north of LA 106 from St. Landry to LA 13, west of LA 13 from Pine Prairie to Mamou and north of LA 104 west of Mamou;

viii. Franklin: That portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

ix. Grant: All of the parish except that portion of land that lies north of the Red River between US 71 and LA 8. Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates;

x. Iberville: West of LA 1. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

xi. Jefferson Davis: North of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

xii. Madison: That portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xiii. Pointe Coupee: All of the parish except that portion bounded on the north by LA Hwy. 1, from Innis to the junction of LA Hwy 417, on the west by LA Hwy. 417 southward toward McCrea, on the south by LA Hwy. 417 from McCrea to its juncture with Delhi Lane, then by Delhi Lane to LA Hwy. 418, then LA Hwy. 418 northward to LA Hwy. 1 at Innis. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

xiv. Rapides: All of the parish except that portion of lands that lies north of the Red River and south of US 71 from its juncture with the Red River northward to the Grant Parish line. Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest season dates;

xv. Richland: That portion south of US 80 and east of LA 17;

xvi. St. Landry: That portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. EXCEPTION: the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates;

xvii. Upper St. Martin: All within the Atchafalaya Basin. EXCEPTIONS: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates;

xviii. Tensas: That portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River;

2. Area B March 25-April 17

- a. All of the following parishes are open:
 - i. Bienville;
 - ii. Bossier;

- iii. Caddo;
- iv. Claiborne (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- v. DeSoto;
- vi. Jackson;
- vii. Lincoln;
- viii. Red River;
- ix. Union;
- x. Webster (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- b. Portions of the following parishes are open:
 - i. Ascension: All east of the Mississippi River;
 - ii. East Carroll: East of US 65 from Arkansas state line to Madison Parish line;
 - iii. Iberville: All east of the Mississippi River;
 - iv. Ouachita: East of LA 143 from Union Parish line to US 80 in West Monroe, north of US 80 to LA 139, west of LA 139 to the Morehouse Parish line;
 - v. Morehouse: West of US 165 from the Arkansas line to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165, north of US 165 to LA 139, west of LA 139 to Ouachita Parish line;

3. Area C March 25-April 3

- a. Portions of the following parishes are open:
 - i. Catahoula: That portion lying south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west and north of LA 8 to LA 15, west of LA 15 to Deer Creek;
 - ii. Concordia: North and east of Sugar Mill Chute (Concordia Parish) from the state line westward to Red River, east of Red River northward to Cocodrie Bayou, east of Cocodrie Bayou northward to US 84, south of US 84 eastward to LA 15 (Ferriday), east of LA 15 northward to US 65 (Clayton), east of US 65 northward to Tensas Parish line;
 - iii. Franklin: That portion lying west of LA 17, from Richland Parish line to LA 577 at Crowville, north of LA 577 to LA 15 at Baskin, east of LA 15 to Big Creek, and south and east of Big Creek to Richland Parish line. Also, that portion east of Turkey Creek Lake, Turkey Creek and Boeuf River, north of Deer Creek, west of LA 15 and south of LA 562;
 - iv. Richland: West of LA 17 from Franklin Parish line to Ringle Rd., south of Ringle Rd. to Ferguson Rd., south of Ferguson Rd. to Little Rd., south of Little Rd. to Big Creek, east of Big Creek to Franklin Parish line;
 - v. Tensas: East and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

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 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2513 (November 2003), LR 30:

§117. 2005 Wildlife Management Area Turkey-Hunting Regulations

A. General

1. The following rules and regulations concerning management, protection and harvest of wildlife have been

officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject the individual to citation and/or expulsion from the management area.

2. Only those Wildlife Management Areas listed are open to turkey hunting.

3. ATVs, ATCs and motorcycles cannot be left overnight on WMAs EXCEPT in designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 AM. All roads including trails and roads designated as ATV only trails shall be closed to ATVs from March 1 through August 31 unless otherwise specified. ATV off-road or off-trail travel is prohibited. Certain trails may be open during this time period to provide access for fishing or other purposes. These trails will be marked by signs at the entrance of the trail. Otherwise, only walk-in hunting is permitted (bicycles permitted).

4. Bag limits on WMAs are part of the season bag limit. Only one turkey is allowed to be taken during special lottery hunts.

B. Permits

1. Self-Clearing Permits: All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each day's hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

2. Lottery Hunts: Bayou Macon, Boise-Vernon, Loggy Bayou, Sabine, Sherburne, Sicily Island, Tunica Hills, Union and West Bay WMAs are restricted to those persons selected as a result of the pre-application lottery. Special youth only lottery hunts will be held on Big Lake, Bens Creek, Fort Polk/Peason Ridge, Jackson-Bienville, Loggy Bayou, Sherburne, Union and West Bay WMAs. Deadline for receiving applications for all lottery hunts is February 15, 2005. An application fee of \$5 must be sent with each application. Applicants may submit only one application and will be selected for one WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Contact any district office for applications. Hunters must abide by self-clearing permit requirements. Youths chosen for special youth only hunts will be guided by members of the Louisiana Chapter of the National Wild Turkey Federation. One family member may accompany the youth and guide, but may not hunt.

C. Wildlife Management Area Turkey Hunting Schedule*

WMA	Season Dates	Permit Requirements	Lottery Dates**
Bayou Macon	April 9-10	Self-Clearing	April 9-10
Bens Creek	March 25-April 17	Self-Clearing	None
Big Lake	March 25-April 3	Self-Clearing	None
Bodcau	March 25-April 10	Self-Clearing	None
Boeuf	March 25-April 3	Self-Clearing	None
Boise Vernon	March 25-27 April 2-24	Self-Clearing	March 25-27 April 2-3
Camp Beauregard	March 25-April 10	Self-Clearing	None

Fort Polk	March 25-April 24	Self-Clearing	None
Grassy Lake	March 25-April 10	Self-Clearing	None
Hutchinson Creek	March 25-April 24	Self-Clearing	None
Jackson-Bienville	March 25-April 10	Self-Clearing	None
Lake Ramsey	March 25-April 10	Self-Clearing	None
Little River	March 25-April 10	Self-Clearing	None
Loggy Bayou	April 16-17	Self-Clearing	April 16-17
Pearl River	March 25-April 17	Self-Clearing	None
Peason Ridge	March 25-April 24	Self-Clearing	None
Pomme de Terre	March 25-April 10	Self-Clearing	None
Red River	March 25-April 3	Self-Clearing	None
Sabine	March 25-27 April 2-3	Self-Clearing	March 25-27 April 2-3
Sandy Hollow ¹	March 25-April 17	Self-Clearing	None
Sherburne ²	March 25-April 3	Self-Clearing	March 25-27 March 28-30
Sicily Island	March 25-April 3	Self-Clearing	March 25-28 March 29-31 April 1-3
Three Rivers	March 25-April 3	Self-Clearing	None
Tunica Hills South Tract	March 25-27 April 2-3 April 9-10 April 11-17	Self-Clearing	March 25-27 April 2-3 April 9-10
Tunica Hills Angola Tract ³	March 25-27 April 2-3 April 9-10 April 11-17	Self-Clearing	March 25-27 April 2-3 April 9-10
Union	April 9-10	Self-Clearing	April 9-10
Walnut Hills	March 25-April 24	Self-Clearing	None
West Bay	March 25-27 April 2-3	Self-Clearing	March 25-27 April 2-3

*Only those Wildlife Management Areas listed have a turkey hunting season. All other areas are closed.

**The deadline for receiving applications for all turkey Lottery Hunts on WMAs is February 15, 2005.

¹No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

²All turkeys harvested on Sherburne WMA must be weighed and checked at WMA headquarters.

³Scouting access limited. Contact Region 7 office for details (225) 765-2360.

D. Wildlife Management Area Youth Hunts

WMA	Lottery Youth Hunt Date
Bens Creek	March 19
Big Lake	March 19
Fort Polk/Peason Ridge	March 19
Jackson-Bienville	March 19
Loggy Bayou	April 9
Sherburne	March 19
Union	April 2
West Bay	March 19

E. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule: Caney Ranger District, March 25-April 10; all remaining KNF lands, March 25-April 17 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. Indian Bayou Area (U.S. Army Corps of Engineers), turkey hunting schedule: March 19 handicap only hunt, March 25-April 3, lottery hunt only on

March 25-27 and March 28-30. Contact USCOE at (337) 585-0853 for further information.

3. National Wildlife Refuges: Bogue Chitto NWR, March 25-April 24; Lake Ophelia NWR, March 25-April 1, April 9-24; Tensas NWR, March 19-20 (youth lottery only), March 25-April 10. Contact the U.S. Fish and Wildlife Service for information regarding NWR hunts.

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 25:2265 (November 1999), amended LR 26:2636 (November 2000), LR 27:2272 (December 2001), LR 28:2377 (November 2002), LR 29:2514 (November 2003), LR 30:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit written comments relative to the proposed Rule to Mr. David Moreland, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, until Wednesday, October 6, 2004.

Wayne J. Sagrera
Vice-Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: 2005 Turkey Hunting Season

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules to the state, aside from biologist staff time, is the production of the turkey regulation pamphlets and the issuance of turkey stamps. Implementation cost is estimated at \$14,761. The state agency currently has sufficient funds to implement the proposed action and local governmental units will incur no implementation costs or savings from the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

License revenue from the sale of the turkey stamps is estimated to be \$54,910. Failure to adopt this rule would result in no turkey seasons and loss of state revenue collections from the sale of turkey stamps. In addition, loss of tax revenues of an undeterminable amount may occur to both state and local governmental units from the sale of supplies and equipment used in the pursuit of turkeys.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Approximately 15,000 resident and nonresident sportsmen and an undeterminable amount of sporting good distributors, retail outlets and landowners are directly affected by this proposal. Turkey hunters in Louisiana generate income to retail outlets, landowners and commercial operations that cater to the hunting public through hunting leases and the sale of outdoor related equipment and associated items (food, fuel, clothing, shotgun shells, etc). These land and business owners will be negatively impacted if turkey hunting seasons, rules and regulations are not established and promulgated. The actual

amount of this impact is not estimable at this time. Both resident and nonresident turkey hunters who do not have a lifetime license or who are not exempt from purchasing a Wild Turkey Stamp will incur an additional cost of \$5.50 and \$20.50, respectively. This rule merely sets the 2005 Wild Turkey hunting regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting supports approximately 9,4184 full and part-time jobs in Louisiana of which a proportion is directly related to turkey hunting. Failure to establish turkey hunting seasons may have a negative impact on some of these jobs. It is also anticipated that there will be little or no effect on competition in both the public and private sectors resulting from the proposed action.

Janice A. Lansing
Undersecretary
0408#046

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Wild Alligator Open Season (LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby advertise its intent to establish the open season for the taking of wild alligators.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators and alligator eggs, raising and propagation of farmed alligators, tanning of skins and regulations governing the selling of hides, alligator parts and farm raised alligators. The administrative responsibility for these alligator programs shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Fur and Refuge Division.

1. - 6.f.vii. ...

7. Open Season, Open Areas, and Quotas

a. Open seasons are as follows.

i. The season for taking alligators in the wild shall open on the first Wednesday of September and will remain open for 30 days thereafter. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

7.a.ii. - 17.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30: , LR 30: .

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit comments relative to the proposed Rule to Philip Bowman, Fur and Refuge Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, October 6, 2004.

Wayne J. Sagrera
Vice-Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Wild Alligator Open Season

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no state or local governmental implementation cost or savings associated with this proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be effected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The establishment of a permanent season opening date and length for the taking of wild alligators should be beneficial to both alligator hunters and processors. Hunters will be able to effectively plan their harvest activities, including the scheduling of guided hunts. the mid-week (Wednesday) opening date will benefit alligator processors by reducing the number of alligators harvested during the first few days of the season. No effect on costs or income to alligator hunters or processors is anticipated as a result of this proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment within the alligator industry.

Janice A. Lansing
Undersecretary
0408#045

Robert E. Hosse
General Government Section 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 6-7, 2004, beginning at 7:45 a.m. at the College of Design Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending the application and fee is as follows.

New Candidates:	September 3, 2004
Re-Take Candidates:	September 17, 2004
Reciprocity Candidates:	November 12, 2004

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 3, 2004. Questions may be directed to (225) 952-8100.

Bob Odom
Commissioner

0408#050

POTPOURRI

Department of Agriculture and Forestry Horticulture Commission

Retail Floristry Examination

The next retail floristry examinations will be given October 18-22, 2004, 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 3, 2004. No applications will be accepted after September 3, 2004.

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 3, 2004. Questions may be directed to (225) 952-8100.

Bob Odom
Commissioner

0408#051

POTPOURRI

Department of Environmental Quality Office of Environmental Assessment

Shreveport-Bossier City Metropolitan Statistical Area Early Action Compact Air Quality Improvement Plan State Implementation Plan (SIP) Revision

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Environmental Planning Division, Plan Development Section, will submit a revision to the SIP for the Shreveport-Bossier City Metropolitan Statistical Area Early Action Compact Air Quality Improvement Plan. The SIP revision is mandated under the requirements of the 1990 Clean Air Act Amendments.

Early Action Compact areas have agreed to reduce ozone precursors, nitrogen oxides, and volatile organic compounds, thereby reducing ozone earlier than the Clean Air Act requires for the 8-hour ozone National Ambient Air Quality Standard. The Shreveport-Bossier City area was designated attainment on June 15, 2004, for the 8-hour ozone standard. EPA commits to not redesignate areas participating in the Early Action Compact program to nonattainment if they subsequently violate the 8-hour standard during the term of the compact.

A public hearing will be held at 10 a.m. on October 7, 2004, in the State Exhibit Museum Auditorium, 3015 Greenwood Road, Shreveport, Louisiana. Should individuals with a disability need an accommodation in order to participate, please contact Vivian H. Aucoin at (225) 219-3575 or at the address listed below. Interested persons are invited to attend and submit oral comments on the proposal.

All interested persons are invited to submit written comments concerning the SIP. Comments must be received no later than 4:30 p.m., October 14, 2004, and should be sent to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to vivian.aucoin@la.gov.

A copy of the SIP may be viewed from 8 a.m. to 4:30 p.m. in the DEQ Public Records Center, Room 127, 602 N. Fifth Street, Baton Rouge, LA 70802 (225-219-3168); Shreve Memorial Library, 424 Texas Street, Shreveport, LA 71101 (318-226-5897); Bossier Parish Central Library, 2206 Beckett Street, Bossier City, LA 71111 (318-746-1693); Webster Parish Library, 521 East & West Street, Minden, LA 71055 (318-371-3080); DEQ Northwest Regional Office, 1525 Fairfield, Room 520, Shreveport, LA 71101 (318-676-7476).

Wilbert F. Jordan, Jr.
Assistant Secretary

0408#072

POTPOURRI

**Department of Health and Hospitals
Board of Embalmers and Funeral Directors**

Embalmer/Funeral Director Examinations

The Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director examinations on Saturday, September 11, 2004, at Delgado Community College, 615 City Park Ave., New Orleans, LA.

Interested persons may obtain further information from the Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 838-5109.

Dawn Scardino
Executive Director

0408#001

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, this state's average weekly wage upon which the maximum workers' compensation weekly benefit amount will be based, effective September 1, 2004, has been determined by the Department of Labor to be \$584.40.

John Warner Smith
Secretary

0408#097

POTPOURRI

**Department of Labor
Office of Workers' Compensation**

Weekly 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 compensation benefits for claimants injured during the period September 1, 2004 through August 31, 2005.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$584.40	\$438.30	\$116.88	\$00.34 per mile

*Effective July 1, 2004, the mileage reimbursement is \$00.34 per mile pursuant to R.S. 23:1203.D.

John Warner Smith
Secretary

0408#098

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

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.

Operator	Field	District	Well Name	Well Number	Serial Number
Inabnet Est., H. Inabnet	Monroe	M	Hyams-Albritton	001	45038
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	001	145048
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	002	145049
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	003	145050
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	004	145051
Inabnet Est., H. Inabnet	Monroe	M	Hyams-Albritton	003	160325
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	005	179870
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	006	179871
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	009	180103
Inabnet Est., H. Inabnet	Monroe	M	Inabnet Estate	010	180104
Whitestone Petroleum Corporation	Wildcat-So La New Orleans Dis	L	L E Jones et al	1	106602
Billups Bros. Oil Co. Inc.	Wildcat-So La New Orleans Dis	L	Oliver S Liv Audais et al	1	096058
E G Bateman & P R Rutherford	Wildcat-So La New Orleans Dis	L	Lillian E Jones et al	001	093955
Worth Exploration Co.	Lafitte	L	B-4 No 3 Ra Suc; J G Adams	001	092181
Mecom Petroleums	Wildcat-So La Houma Dis	L	So Shore Oil and Dev Co.	2	061014
Kirby Petroleum Co.	Wildcat-So La New Orleans Dis	L	Joseph Bernstein et al	1	143300 (29)
Whitestone Petroleum Corporation	Wildcat-So La Houma Dist	L	Southdown Inc.	1	120693
Circle Drilling Company, Inc.	Charenton	L	Caffery	001	107240
Energy Corp. of America, Inc.	Happytown	L	Iberville Land Company	2A	060909 (30)
Slick Oil Corporation	Starks	L	Industrial Lbr Co A	1	71445
Slick Oil Corporation	Starks	L	Industrial Lbr Co A	2	71670
Triangle Resources, L.L.C.	Longwood	S	Hammack B	1	216623
Triangle Resources, L.L.C.	Longwood	S	Hammack B	2	216624

Operator	Field	District	Well Name	Well Number	Serial Number
Triangle Resources, L.L.C.	Longwood	S	Hammack F	1	216627
Triangle Resources, L.L.C.	Longwood	S	Hammack B	3	216732
Lewis & Lambert Pump Co., LLC	Tepetate	L	J M Francois Swd	001	105953
Lewis & Lambert Pump Co., LLC	Iberia	L	J B Schwing B	001	149472
Lewis & Lambert Pump Co., LLC	Iberia	L	J B Schwing Swd	001	153820
Lewis & Lambert Pump Co., LLC	Iberia	L	J B Schwing D	004	162203
Lewis & Lambert Pump Co., LLC	Iberia	L	J B Schwing D	007	173348
Lewis & Lambert Pump Co., LLC	Iberia	L	J B Schwing D	009	173350
Lewis & Lambert Pump Co., LLC	Iberia	L	J B Schwing D	008	173349
Lewis & Lambert Pump Co., LLC	Tepetate	L	James M Francois	001	204452
Lewis & Lambert Pump Co., LLC	Tepetate	L	James M Francois	002	205244
Lewis & Lambert Pump Co., LLC	Tepetate	L	James M Francois	003	206279
Lewis & Lambert Pump Co., LLC	Tepetate	L	James M Francois	004	206280
Lewis & Lambert Pump Co., LLC	Tepetate	L	James M Francois	005	207038
L. E. Hester	Monroe	M	Phillips	005	147768
L. E. Hester	Monroe	M	Phillips	007	147770
L. E. Hester	Monroe	M	Phillips	004	147871
L. E. Hester	Monroe	M	Phillips	008	148028
L. E. Hester	Monroe	M	Gully	001	148277
L. E. Hester	Monroe	M	Gully	002	148278
L. E. Hester	Monroe	M	Phillips	009	148395
L. E. Hester	Monroe	M	Central Immigration N	013	148627
L. E. Hester	Monroe	M	Phillips	010	148628
L. E. Hester	Monroe	M	Phillips	011	148982
L. E. Hester	Monroe	M	Central Immigration N	002	149124

Operator	Field	District	Well Name	Well Number	Serial Number
L. E. Hester	Monroe	M	Phillips	012	149125
L. E. Hester	Monroe	M	Phillips	013	149126
L. E. Hester	Monroe	M	Phillips	014	149127
L. E. Hester	Monroe	M	Phillips	015	149128
L. E. Hester	Monroe	M	Burden N	001	149588
L. E. Hester	Monroe	M	Burden N	002	149589
L. E. Hester	Monroe	M	Tensas Delta Land N	001	149763
L. E. Hester	Monroe	M	Tensas Delta Land N	002	149764
L. E. Hester	Monroe	M	Tensas Delta Land N	003	149765
L. E. Hester	Monroe	M	Grayling N	002	149808
L. E. Hester	Monroe	M	Grayling N	003	149809
L. E. Hester	Monroe	M	Ball N	001	149855
L. E. Hester	Monroe	M	Ball N	002	149856
L. E. Hester	Monroe	M	Phillips	016	149929
L. E. Hester	Monroe	M	Phillips	018	149931
L. E. Hester	Monroe	M	Grayling N	005	149984
L. E. Hester	Monroe	M	Tensas Delta Land N	004	150136
L. E. Hester	Monroe	M	Tensas Delta Land N	005	150137
L. E. Hester	Monroe	M	Exxon 30	001	150723
L. E. Hester	Monroe	M	Exxon 30	002	150724
L. E. Hester	Monroe	M	Exxon 30	003	150725
L. E. Hester	Monroe	M	Exxon 30	004	150726
L. E. Hester	Monroe	M	Phillips	019	150850
L. E. Hester	Monroe	M	Briggs N	016	150868
L. E. Hester	Monroe	M	Briggs N	018	150869
L. E. Hester	Monroe	M	Briggs N	019	150870
L. E. Hester	Monroe	M	Briggs N	017	150880
L. E. Hester	Monroe	M	Briggs N	020	150881
L. E. Hester	Monroe	M	Exxon 30-A	001	150939
L. E. Hester	Monroe	M	Exxon 30-A	002	150940
L. E. Hester	Monroe	M	Exxon 30-A	003	150941
L. E. Hester	Monroe	M	Exxon 30-A	004	150942
L. E. Hester	Monroe	M	Phillips	021	150980
L. E. Hester	Monroe	M	Grayling N	009	151325
L. E. Hester	Monroe	M	Exxon 19	001	152179
L. E. Hester	Monroe	M	Exxon 32	001	152345
L. E. Hester	Monroe	M	Ball G	003	154022
L. E. Hester	Monroe	M	Grayling G	001	154023
L. E. Hester	Monroe	M	Grayling G	002	154024
Resource Securities Corp.	Cankton	L	A Savoie Swd	2	019567
Resource Securities Corp.	Cankton	L	5000 Ra Sub; Adolph Savoie A	3	059357
Resource Securities Corp.	Cankton	L	Adolph Savoie	2-D	065622
Resource Securities Corp.	Cankton	L	Adolph Savoie A	3-D	065799
Resource Securities Corp.	Cankton	L	Adolph Savoie	4	104437
Resource Securities Corp.	Cankton	L	Adolph Savoie	5	191086
Resource Securities Corp.	Cankton	L	Adolph Savoie	5-D	191494

Operator	Field	District	Well Name	Well Number	Serial Number
Resource Securities Corp.	Cankton	L	5300 Ra Sub; A Savoie	6	209636
Resource Securities Corp.	Shuteston	L	C D Boagni	1	161220
Resource Securities Corp.	Shuteston	L	C D Boagni	4	178145
Resource Securities Corp.	Shuteston	L	A Begnaud Swd	1	970810
Resource Securities Corp.	East Basile	L	Z Ra Sua; N Thibodeaux	1-ALT	163585
Resource Securities Corp.	Crowley	L	6600 Rb Sua; Leger A	1	164473
Resource Securities Corp.	Crowley	L	M Leger Swd	4	175651
Resource Securities Corp.	Crowley	L	M Leger A	2	196960
Resource Securities Corp.	Darrow	L	Morris J Many Swd	1	203611
Resource Securities Corp.	Darrow	L	Het 3 Ra Sua; Leola Many	2	207690
Resource Securities Corp.	Darrow	L	Het 1 Rc Sue; L M Many	1	210416
Resource Securities Corp.	Darrow	L	Het 3 Ra Sub; Many	3	211392
W. L. Estis	Fausse Pointe	L	J D Broussard et al	2	054026 (30)
The Union Sulphur Company	East Gueydan	L	J B Baker	001	025477

James H. Welsh
Commissioner

0408#058

POTPOURRI
Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et. seq., notice is given that 17 claims in the amount of \$56,914.79 were received for payment during the period July 1, 2004 - July 31, 2004.

There were 17 claims paid and 0 claims denied.

Loran Coordinates of reported underwater obstructions are:

27923	46852	Terrebonne
28322	46825	Lafourche
28590	46862	Jefferson

Latitude/Longitude Coordinates of reported underwater obstructions are:

2909.096	9056.253	Terrebonne
2912.900	9052.560	Terrebonne
2914.311	9017.533	Lafourche
2916.618	8957.101	Jefferson
2917.770	8944.230	Plaquemines
2918.112	8954.833	Jefferson
2919.137	9000.201	Jefferson
2922.278	9030.845	Terrebonne
2924.662	9002.764	Lafourche
2926.807	9047.912	Jefferson
2953.917	8913.786	St. Bernard
2954.451	8921.088	St. Bernard
3008.830	8924.540	St. Tammany
3009.398	8923.195	St. Bernard

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle
Secretary

0408#078

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