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Emergency Rules

DECLARATION OF EMERGENCY

State Board of Elementary and Secondary Education

(Editor's Note: The following emergency rules were adopted on November 20, 1975, by the State Board of Elementary and Secondary Education as an immediate response to the need for guidelines for the distribution and administration of adult Indo-Chinese refugee education funds.)

Additions to Section 5.2 of the Louisiana 1975-1976 Annual Program Plan for Adult Education

5.2 Adult Indo-Chinese Refugee Education Program

All adult Indo-Chinese refugee education funds allocated to the State of Louisiana shall be used to supplement ongoing adult education programs conducted under the provisions of the Adult Education Act and provide for the initiation, development, and/or expansion of Adult Basic Education, Adult Secondary Education, and bilingual education programs for adult Indo-Chinese refugees, sixteen years of age and older who are not currently required to be enrolled in school, offering them the opportunity to receive academic instruction with emphasis on speaking, reading, writing, computational skills, services necessary to promote literacy for the purpose of enabling them to become responsible and productive members of American society, meet requirements to receive a high school equivalency diploma, and promote the integration of Indo-Chinese refugees into American society with proper respect for the preservation of their own culture and language.

5.21 State Administration

A maximum of 7.5 percent of the total allotment to the State may be utilized for state administrative purposes by the Bureau of Adult and Community Education of the Louisiana State Department of Education and the State Board of Elementary and Secondary Education to pay additional costs incurred in the administration of the Indo-Chinese Refugees Adult Education Program.

5.22 Base Allocation to Local School Systems

A minimum of eighty percent of the total allotment for adult Indo-Chinese refugee education programs to the State shall be allocated to local public school systems through a base allocation of funds computed on the number of adult Indo-Chinese refugees, age eighteen and over, settling in a local school system, as it bears percentagewise to the total number of Indo-Chinese refugees initially resettling within the State from the relocation centers. (Allocations shall be based on figures submitted to the U.S. Commissioner of Education by the Interagency Task Force on Indo-China).

The available State funds multiplied by this percentage will give the amount available to be initially allocated to the local school board.

Example:

1. In Louisiana there was an initial estimate of 1,301 adult Indo-Chinese refugees age eighteen years and over.
2. Suppose 130 is the total number of adult Indo-Chinese refugees settling within a local parish or city school system.
3. The parish or city percent then is 1,301 divided by 130 or ten percent.
4. Suppose \$80,000 is the available State funds to be allocated to all local systems in the State.
5. The local school system's allocation then would be: \$80,000 x ten percent of \$8,000.00

It must not be assumed by any parish or city school authority that the initial allocation to a school system can automatically be increased or that expenditures made in excess of their initial allocation will be reimbursed to that system.

5.23 Supplemental Allocations to Local School Systems

All adult education Indo-Chinese refugee education funds relinquished to the state office by a local school system which does not plan to utilize its total allocation prior to the end of the

fiscal year may be reallocated to other local school systems based on the submission of a "Supplementary Plan and Request for Allocation of Funds" (Form DE 520, Exhibit I of the Louisiana 1975-76 Annual Program Plan for Adult Education under the Adult Education Act of 1966) with a letter justifying the need for additional funds from the local superintendent.

Supplementary requests for funds shall be approved by the State Board of Elementary and Secondary Education based upon recommendation of the Bureau of Adult and Community Education, Louisiana State Department of Education.

5.24 Teacher Training

A maximum of 12.5% of the total state allotment may be utilized for teacher training programs specifically designed for teachers of adult Indo-Chinese refugee education programs provided sufficient funds are available after state administration, base allocations, and supplemental allocations have been approved.

Funds may be approved and utilized for teacher training purposes in accordance with the provisions of Section 309 of the Adult Education Act and as outlined in Section 5.15 of the Louisiana 1975-76 Annual Program Plan for Adult Education.

5.25 Use of Funds by Local School Systems

5.251 Eligibility to Participate

In order for a local school system to participate in the adult Indo-Chinese refugee program it must comply with the following:

- (1) meet all requirements to participate in the Adult Education Program as stipulated in Section 1.342 of the Louisiana 1975-76 Annual Program Plan for Adult Education.
- (2) certify by letter from the local superintendent to the Bureau of Adult and Community Education that all funds will be expended solely for adult education programs and services for adult Indo-Chinese refugees.

- (3) submit to the Bureau of Adult and Community Education and local assessment of the number of adult Indo-Chinese refugees eighteen years of age and older who have resettled in the parish or city school system.

- (4) certify by letter from the local Superintendent to the Bureau that priority will be given to continuation of existing programs by those local agencies and/or organizations currently providing adult Indo-Chinese refugee education services based on local education agency evaluation of those existing programs. The local superintendent is required to contact all local agencies, private and public, which might be involved in programs for Indo-Chinese refugees.

- (5) submit to the Bureau of Adult and Community Education for approval by the State Board of Elementary and Secondary Education an intent to participate in the program by completing a "Plan and Request for an Allocation of Funds" (Form DE-520) justifying projected expenditures for the fiscal year.

5.252 Rate of Reimbursement

The rate of reimbursement to the local school system by the State Department of Education to support the adult Indo-Chinese refugee education program must be equal to the exact expenditures of the operational cost of the program each month, with the total amount of approved allocations.

Reimbursement of expenditures to the local school systems will be made monthly by the State Department based upon receipt and approval of a separate Form DE-506—"Monthly Report and Request for Reimbursement" justifying adult Indo-Chinese refugee education program expenditures from the local superintendent. Form DE-506 is included as Exhibit H of the Louisiana 1975-76 Annual Program Plan for Adult Education.

5.2521 Local Operational Expenditures

Local school systems may use funds allocated to them for instructional costs incurred in the operation of the adult

Indo-Chinese refugee education classes only.

Section 166.67, Sub-part G, Adult Indo-Chinese Refugee Education Program.

Instructional costs in the local adult Indo-Chinese refugee education program shall consist of the following:

Earl Ingram
Director

- (1) teachers' salaries
- (2) paraprofessionals' salaries used in an instructional capacity
- (3) employer's contribution to retirement and/or social security for instructional personnel
- (4) teacher travel (when required)
- (5) in-service education
- (6) instructional supplies, books, and materials

All local operational expenditures for the above eligible instructional costs of the adult Indo-Chinese refugee education program shall be made in accordance with the procedures set forth in Section 6.0 of the Louisiana 1975-76 Annual Program Plan for Adult Education.

5.253 Records and Reports

Each local school system participating in the adult Indo-Chinese refugee education program must prepare and submit separate forms for this program to the State Department of Education for accounting expenditures and compile all program statistics each fiscal year as stipulated in Section 6.8 of the Louisiana 1975-76 Annual Program Plan for Adult Education in order to assure non-commingling of funds.

In addition, the local agency will make two copies of the identification card issued to each Indo-Chinese refugee participant keeping one of its official Adult and Community Education. The copies of these identification cards can be used to justify the total number of refugees served in the adult education program.

The Bureau of Adult and Community Education of the Louisiana State Department of Education shall be responsible for compiling all local reports into a separate composite state report to the U.S. Commissioner of Education as a part of the financial and narrative reporting requirements under the Adult Education Act and include all information requested under

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration Division of Health Office of Milk and Dairy Products

The Louisiana Health and Human Resources Administration, Division of Health, is revising the State Sanitary Code to provide for administrative hearings to an applicant upon the denial of permits under Section 5.B.4 of the State Sanitary Code and for the payment of expenses incurred in connection with permits issued under that section of the State Sanitary Code. The following is an amended version of Section 5.B.4 of the State Sanitary Code which is adopted on an emergency basis effective January 19, 1976, pursuant to R.S. 49:953B:

5.B.4 Imported Milk and Milk Products. (1) It shall be unlawful for any person, firm, or corporation to ship milk or milk products (except Extra and Standard grades of dry milk and dry milk products) into Louisiana from without the State without first obtaining a permit from the State Health Officer. (2) All milk and milk products (except Extra and Standard grades of dry milk and dry milk products) brought into Louisiana from without the State shall be of Grade A quality. The production sources may be inspected by a duly authorized representative of the State Health Officer, or in lieu thereof, the State Health Officer may accept the certificate of inspection of a duly authorized governmental representative, agent or agency of such other state wherein such products are produced. Any denial of a permit as required in (1) above shall be made only after an administrative hearing has been held and if that hearing is requested by the applicant within fifteen days of said denial. Said hearing shall afford the applicant an opportunity to prove that its milk and milk products, raw and pasteurized, meet the requirements of the Louisiana State Sanitary Code. The Health Officer or his duly authorized representative may require a reasonable deposit in advance and full reimbursement to the State of Louisiana, Division of Health, for total costs incurred including salary, travel, per diem, expenses, or fees incurred for inspection of the milk and milk sources located outside of the State of Louisiana, whether said inspection is ordered made by Louisiana officials or by

governmental representatives of another state. (3) All dry milk and dry milk products brought into Louisiana from without the state shall meet minimum requirements for at least one of the following grade designations and shall be labeled accordingly: (a) Grade A, as defined in Section 5.K.15 of this code; (b) Extra, as defined in Section 5.K.16 of this code; (c) Standard, as defined in Section 5.K.17 of the code. Production sources and processing plants may be inspected by a duly authorized representative of the State Health Officer, or in lieu thereof, the State Health Officer may accept the certificate of inspection of a duly authorized governmental representative, agent or agency of such other state wherein such products are produced.

Copies of the emergency rule are available for public examination at the Office of the Louisiana Health and Human Resources Administration, Division of Health, Milk and Dairy Products, Room 408 Louisiana State Office Building, 325 Loyola Avenue, New Orleans, Louisiana 70112.

William H. Stewart, M.D.
Commissioner

DECLARATION OF EMERGENCY

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission at its regular monthly meeting held at its office in New Orleans on November 18, 1975, considered and approved, as an emergency item, rules and administrative procedures for Act 811 of 1975, otherwise known as the Certificate of Exemption from Louisiana Sales and Use Taxes, approved by the Governor on August 4, 1975.

In view of the fact that many of our shrimp fishermen are in serious economic circumstances and require funds to allow them to shrimp this current season, the Commission is doing all that is possible to expedite full participation in securing the exemption certificates as provided for in the Act.

The text of the emergency rule follows:

Definitions

Act: When used in these regulations and procedures, the term "Act" refers to Act 811 of the Regular Legislative Session of 1975, creating the sales tax exemption in favor of Louisiana commercial fishermen.

Commission: The Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana,

which has been delegated the authority to issue regulations to enforce the provisions of the Act.

Louisiana Commercial Fisherman: Any Louisiana resident domiciled in the State who possesses a current commercial fishing license and is an owner-operator of a vessel principally and predominantly used for commercial fishing ventures and whose catch shall be for human consumption.

Owner-Operator: The owner of a vessel or one that is being purchased under a lease purchase arrangement who physically operates or hires an employee to operate the vessel. The rental or leasing without purchase option of a vessel shall not be construed to be included within this classification and is excluded from the provisions of this Act.

Principally and Predominantly: Any percentage of use that exceeds fifty percent.

Human Consumption: That portion of the catch that is consumed by humans directly and is the principal reason for the catch.

Application for Exemption: The official form as revised from time to time issued by Louisiana Wildlife and Fisheries Commission to any person who wishes to apply for and obtain exemption certificates provided for by the Act.

Certificate of Exemption: The official form issued by Louisiana Wildlife and Fisheries Commission without charge to a Louisiana commercial fisherman for the sales tax exemption provided by the Act for each vessel owned by the said fisherman, used by him predominantly for commercial fishing ventures.

Taxes: Louisiana Sale and Use taxes only which:

(1) apply to materials and supplies necessary for repairs to a vessel if they are purchased by a Louisiana commercial fisherman and later become a component part of the vessel;

(2) apply to materials and supplies purchased by a Louisiana commercial fisherman where such materials and supplies are loaded upon a vessel for use or consumption in the maintenance and operation thereof for commercial fishing ventures whether the said vessel is engaged in interstate, foreign, or intrastate commerce;

(3) apply to repair services performed for a vessel owned by a Louisiana commercial fisherman whether the said vessel is engaged in intrastate, interstate, or foreign commerce;

(4) apply to the purchase of diesel fuel and lubricant for a vessel owned by the Louisiana commercial fisherman.

Rules and Procedures

1. All applications for certificates of exemption may be obtained at the office of the Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana, or at any of its district offices throughout the State.

2. An application so obtained shall be completed, with the applicant furnishing all the information requested, shall be signed and filed with the Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana.

3. Exemption from the sales and use taxes provided by the Act as defined in these rules and procedures is available for each vessel owned by a Louisiana commercial fisherman and used in commercial fishing.

4. A separate application for each vessel is required to be filed with the Commission, and a separate certificate for exemption shall be issued for each exempted vessel.

5. Upon the receipt of the application, the Louisiana Wildlife and Fisheries Commission shall determine whether or not the applicant is eligible for a tax exemption and upon favorable determination shall issue a certificate of exemption to each qualified Louisiana commercial fisherman for each exempted vessel.

6. The Louisiana Wildlife and Fisheries Commission shall issue blank certificates prepared for the qualified Louisiana commercial fisherman to be completed by him and presented to each vendor by him as his authorization for the tax exemption.

7. Each vendor shall be notified by notation on the exemption certificates that the exemption certificates so presented to him by the qualified Louisiana commercial fisherman must be maintained at the office of the vendor in support for the exempted sales claimed by him on his Louisiana sales tax returns. No taxfree purchases may be made without the certificate of exemption.

8. The blank exemption forms shall be available at the Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana, and at its district offices and will be furnished with the exemption certificates and upon request.

9. The Louisiana Wildlife and Fisheries Commission may require reasonable substantiation of the application for exemption and may refuse to issue a certificate of exemption to applicants who are determined to be unqualified. The applicants shall be so notified in writing and advised of his right to appeal to the Civil District Court for the Parish of Orleans in accordance with the provisions of the Act.

10. The Louisiana Wildlife and Fisheries Commission will maintain on file at its office at 400 Royal Street, New Orleans, Louisiana all applications for exemption filed and all certificates of exemption issued to commercial fishermen with all supporting documentation.

11. The certificates of exemption will expire concurrent with the expiration date of the holder's commercial fishing license, unless sooner revoked by law, and must be surrendered to the Louisiana Wildlife and Fisheries Commission if the holder is no longer qualified and entitled to the exemption. At the end of the exemption period, should the certificate still be valid, the holder thereof shall surrender same to the Commission for cancellation and must again apply to the Commission for the certificate of exemption in accordance with the rules and procedures herein provided.

12. There shall also be exempt from Louisiana sale and use taxes the purchase of any vessel which the Commission determines will be used principally and predominantly for commercial fishing ventures. The Louisiana commercial fisherman has the burden to demonstrate the vessel's qualification for the exemption.

13. The Commission's determination can be made either before or after the purchase. In the event the Commission makes the determination that the purchase is exempt but the taxes have been paid, the Department of Revenue of the State of Louisiana shall rebate the taxes paid by the Louisiana commercial fisherman upon his presenting to the proper authority within the Department of Revenue a certificate of exemption issued by the Commission.

14. The exclusions provided by the Act and in these rules and administrative procedures apply to sale and use taxes imposed by the State of Louisiana, and do not apply to such taxes authorized and levied by any school board, municipality, or other local taxing authority.

J. Burton Angelle, Sr.
Director

Rules

RULES

State Board of Architectural Examiners

(Editor's Note: The following rules were adopted by the State Board of Architectural Examiners on December 18, 1975, to be effective on January 20, 1976.)

Amendment to Part VII of the Rules and Regulations

- A) The Louisiana State Board of Architectural Examiners directs the administrative agency of the Board to mail a letter to each Louisiana resident architect on or about the first Friday in March of each year, stating that the Board will accept nominees for the Architectural Selection Board, as provided in Act 721 of 1975, on the following basis: Any resident architect holding a current valid Louisiana license who on or before the first Friday in April of the year in which the election is held furnishes a petition by certified mail to be received by 4:15 p.m. on that day, and verified by the administrative agency of the Board. The petition shall contain:
- 1) the signatures of ten qualified (Louisiana licensed) architects endorsing his nomination,
 - 2) name, signature, and license number of the endorsee,
 - 3) biographical statement of 150 words or less.
- B) The Louisiana State Board of Architectural Examiners shall have election ballots printed for each registered resident Louisiana architect (as of May 1 of the year in which the election is held), and the ballots shall contain the embossed seal of the State Board of Architectural Examiners. Three envelopes shall be printed; one envelope will be used to mail the ballot package and one of the two remaining envelopes will be used as the return envelope which shall contain the ballot which has been sealed within the third envelope. A place shall be printed on the return envelope for the signature and license number of the qualified voter.
- C) The ballot, containing the names of nominees, shall be mailed to resident architects the second Friday in May of the year in which the election is held, and shall include the following:
- “Since four candidates are to be chosen, vote for four nominees. If more or less than four candidates are voted for, the ballot will be voided.”
- D) Rules governing election:
- The four nominees elected will be based on plurality. No write-in candidates will be counted.
- The two candidates receiving the largest number of votes will serve a one year term beginning July 1 of the year in which the election is held; the two receiving the lesser number of votes will serve a one year term beginning January 1 of the year following the election.
- If two or more candidates are elected from the same firm, the ones with the least number of votes will be eliminated. A runoff election will be held if two or more candidates from the same firm receive the same number of votes.
- E) The official ballot shall be returned to the Louisiana State Board of Architectural Examiners, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, and shall be received by 4:15 p.m. the last Friday in May of the year in which the election is held.
- F) The Tabulation Committee shall consist of at least three members of the Architectural Licensing Board, and a representative of the administrative agency for the Board. All votes shall be tabulated on the first Friday in June in the year in which the election is held.

Alvin J. Unick, Director
Department of Occupational Standards

RULES

Department of Civil Service

(Editor's Note: The following rules were adopted by the Civil Service Commission on January 7, 1976, to be effective February 10, 1976.)

Chapter 1:

Amend and reenact Rule 1.5.1 to read as follows:

1.5.1 'Bona Fide Student' means a person enrolled in an accredited high school, college, or university in the State, or a person enrolled in a State-operated vocational-technical school, in a sufficient number of courses and classes in such institution to be classified as a full-time regular student under the criteria used by the institution in which he is enrolled; or a person enrolled in an off-campus college work-study program in a proprietary institution of higher education as defined in Section 461(b) of the Higher Education Act of 1965, as amended. A bona fide student shall not lose his status as such because of vacations during the academic year or because of his failure to attend summer school.

Chapter 1:

Enact Rule 1.25.1 to read as follows:

1.25.1 'Preference Employee' means an employee who is an ex-member of the armed forces and his or her dependents as defined in Rule 7.11.

Chapter 1:

Amend and reenact Rule 1.32 to read as follows:

1.32 'Reallocation' means a change in the allocation of a position from one class to another class wherein the duties of the position have undergone a change.

Chapter 1:

Enact Rule 1.40.1 to read as follows:

1.40.1 'Title Change' means a change in the title of the class to which a position is allocated without change in the position's duty and responsibility content.

Chapter 2:

Amend and reenact Rule 2.9(c) to read as follows:

2.9(c) To conduct investigations whenever it has reason to believe the provisions of the Civil Service Article or Rules are being violated or have been violated by any person or department; and to hold public hearings when charges

of such violations have been filed with it. The Commission may issue appropriate orders in any such case, in addition to those orders provided for in Subsections (k) and (1) of this Rule.

Chapter 2:

Enact Rule 2.9(k) to read as follows:

2.9(k) To issue orders withholding compensation from any person who, after investigation by public hearing, has been found by the Commission to be employed or paid by the State contrary to the provisions of the Constitution or the Rules adopted thereunder. Such orders may be directed to the officer having the authority to approve the payroll or assign the paycheck for such employee; and the officer to whom it is directed and any other person to whom such order is directed shall make no payment of compensation or authorize the making of any such payment to such person until authorized by the Commission upon penalty of personal liability for the sum so paid contrary to the order of the Commission and such other penalties as are otherwise provided by the Constitution and/or the Rules.

Chapter 2:

Enact Rule 2.9(1) to read as follows:

2.9(1) To enforce its rules, regulations, and orders in the courts of this State by mandamus or injunction suits.

Chapter 3:

Enact Rule 3.1(p) and (q) to read as follows:

3.1(p) To develop and propose to the Commission uniform classification and pay plans and amendments thereto.

3.1(q) To develop and propose to the Commission, rules and amendments thereto governing employment conditions for employees in the Classified Service.

Chapter 5:

Enact Rule 5.7 to read as follows:

5.7 Status of Incumbents when Position is Affected by Title Change.

When a position is affected by a title change, the incumbent shall be entitled to serve therein without change in status.

Chapter 6:

Amend and reenact Rule 6.4(c) to read as follows:

6.4(c) Subject to the provisions of Subsection (a) of this Rule, the pay of an employee reentering the Classified Service, other than one being restored to duty following military service, may be fixed at a rate within the range for the new position which does not exceed the highest salary he previously earned while serving with permanent status in a classified position under other than detail to special duty, provided:

Chapter 6:

Enact Rule 6.15(d)(8) to read as follows:

6.15(d)(8) A title change.

Chapter 6:

Amend and reenact Rule 6.25(b)(1) to read as follows:

6.25(b)(1) While he is occupying a position for which the current minimum of the pay range is \$896 per month or more, unless this limitation has been removed through the application of the provisions of Rule 11.29(j).

Chapter 6:

Enact Rule 6.29(a) and (b) to read as follows:

6.29 Rate of Pay on Title Change.

- (a) When a position is changed from one class to another class, both classes of which have the same minimum rate of pay, the employee's pay shall not be changed by reason of the title change.
- (b) When a position is changed to another class having a different minimum rate of pay, the employee's pay shall be fixed according to the provisions of Rule 6.12.

Chapter 7:

Amend and reenact Rule 7.4(d) and (e) as follows:

7.4(d) An applicant who is admitted to and takes

an examination shall not be admitted to another examination for the same class of position until a period of at least four weeks has elapsed from the date he took the examination, provided, that no such applicant shall be admitted to an examination for the same class of position more than three times in any twelve-month period. The applicant's official grade shall be the one obtained on his most recent examination.

(e) Repealed, effective February 10, 1976.

Chapter 7:

Amend and reenact Rule 7.14 to read as follows:

7.14 Rating Candidate in Lower Classes than the One Applied For.

Whenever a candidate has successfully passed an examination for which he has applied which includes questions on subject matter applicable to a lower class for which he has not applied, the Director may, with the consent of the candidate and his representation that he is available for appointment in the lower class, place his name on the eligible list for the lower class with the same final rating earned by him on the examination which he successfully passed.

Chapter 8:

Amend and reenact Rule 8.8(b) to read as follows:

8.8(b) If a certified eligible indicates unavailability for appointment, or if he fails to reply to an availability inquiry within seven calendar days after mailing of notification, the appointing authority may consider his name as having been removed from the certificate.

Chapter 8:

Amend and reenact Rule 8.18(c) to read as follows:

8.18(c) Repealed, effective February 10, 1976.

Chapter 8:

Enact Rule 8.26 to read as follows:

8.26 Status of Unclassified Employees Upon Constitutional Reorganization of State Government.

When State departments and agencies are re-organized pursuant to the provisions of the Constitution of 1974:

- (a) An employee occupying a position with unclassified status and whose position is retained by the State may be continued in his position with probationary status without competitive examination provided:
 - 1. His position falls within the classified service; and
 - 2. He possesses the minimum qualification requirements established for the class to which his position has been allocated by the Director; and
 - 3. He has had at least one year of continuous service with the Department or agency involved commencing on or before January 1, 1976, and continuing until the date of the reorganization.
 - 4. He is otherwise eligible for employment in the Classified Service.
- (b) The rate of pay of an employee entering the Classified Service pursuant to Subsection (a) of this Rule shall be fixed in accordance with the provisions of Rule 6.28.
- (c) Unused annual, sick, and compensatory leave earned by and credited to an employee entering the Classified Service pursuant to Subsection (a) of this Rule shall be assumed by his acquiring department and shall be recredited to him. Thereafter, he shall earn and be credited with leave benefits as provided elsewhere in these Rules.
- (d) An employee who enters the Classified Service pursuant to the provisions of Subsection (a) of this Rule shall be amenable to the provisions of these Rules with respect to all other aspects of his service as a Classified employee of the State.

Chapter 11:

Enact Rule 11.23(j) to read as follows:

- 11.23(j) Engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from

another source, he may not accept the special leave and the compensation.

Chapter 11:

Amend and reenact Rule 11.29(a) and (b) to read as follows:

- 11.29(a) Subject to the provisions of Subsections (d) and (i) of this Rule and the requirements of Federal rules, statutes, regulations, and judicial decisions, an employee serving in a position for which the current minimum rate of the range is \$896 per month or more who is required to perform overtime duty may, in the discretion of his appointing authority, be credited with compensatory leave equal to the number of extra hours he has been required to work.
- (b) Subject to the provisions of Rules 6.25(b)(3), 11.28(b), 11.29(d), 11.29(i), and 11.29(j), an employee serving in a position for which the current minimum of the pay range is less than \$896 per month who is required to perform overtime duty shall, at the option of his appointing authority, but in conformity with the provisions of the Federal rules, statutes, regulations, and judicial decisions
 - 1. Be credited by his appointing authority with compensatory leave equal to the number of extra hours he has been required to work, or
 - 2. Be compensated for the extra hours of work as authorized by Rule 6.25.

Chapter 11:

Amend and reenact Rule 11.29(j) to read as follows:

- 11.29(j) In unusual cases, and upon recommendation of the Director, the Commission may extend the application of the provisions of Subsection (b) of this Rule to one or more individual employees or to specific groups or classes of employees in specific departments who occupy positions for which the current minimum rate of the pay range is \$896 or more, and who are required to perform overtime duty; provided, that the Director's recommendation must be accompanied by the appropriate appointing authority's representation that the overtime duty involved will be required over an extended period of time; except that where the

payment of overtime is required under the provisions of Federal rules, statutes, regulations, and judicial decisions, such payment is authorized to be made by the appointing authority.

Chapter 12:

Amend and reenact Rule 12.2(a) and (c) to read as follows:

12.2(a) Any employee who is suspended without pay shall be so notified by his appointing authority on or before the effective date of the suspension. Each permanent or probationary employee so suspended shall be furnished detailed reasons therefor in writing within fifteen calendar days following the effective date of the suspension. A copy of such detailed reasons shall be furnished to the Director.

(c) An employee who has been suspended without pay may be paid for time lost if his conduct, ability, or performance is found after investigation to be such as not to warrant disciplinary or corrective action. A written report of such action shall be furnished to the Director.

Chapter 13:

Amend and reenact Rule 13.11(b) and (c) to read as follows:

13.11(b) Be signed by the appellant, or on his behalf by an attorney duly licensed to practice law in the Courts of the State of Louisiana, or on his behalf by a senior student of law designated under the provisions of Rule 13.19(b)2; and

(c) Give the name and mailing address of the appellant, and of his attorney or designated senior law student, if any and

Chapter 13:

Enact Rule 13.12(d) to read as follows:

13.12(d) No appeal shall be supplemented or amended following the expiration of the delay period stipulated by Subsection (a) hereof.

Chapter 13:

Amend and reenact Rule 13.16(a) to read as follows:

13.16(a) Subject to the provisions of Subsections (b) and (c) hereof, all appeals before the Commission or on referee shall be heard in a convenient place, accessible to the public, in the City of Baton Rouge, Louisiana, selected by the Director.

Chapter 13:

Amend and reenact Rule 13.19(m) to read as follows:

13.19(m) Subject to the provisions of Subsections (r) and (s), the charges expressed in writing by the appointing authority as cause for demotion, suspension, dismissal, or other action, shall not be accepted as prima facie true. Evidence shall not be received from an appointing authority to supplement or enlarge the charges contained in such written document. The appellant may rebut any proof offered by the appointing authority in support of the charges.

Chapter 13:

Amend and reenact Rule 13.19(r) to read as follows:

13.19(r) Subject to the provisions of Subsections (m) and (s), when a classified employee alleges that he has been discriminated against because of his political or religious beliefs, sex, or race, the facts expressed in writing by the appointing authority as cause for the demotion, suspension, dismissal, or other action, shall be accepted as prima facie true. Evidence shall not be received from an appointing authority to supplement or enlarge the facts as so expressed. The appointing authority may rebut any proof offered by the appellant employee in contradiction of the facts expressed in writing by the appointing authority. The burden of proof as to the facts shall be on the appellant and the Commission may, in its discretion, require him to open the case.

Chapter 13:

Enact Rule 13.19(s)1 and 2 to read as follows:

13.19(s) In combination appeals, where the appellant denies the verity or severity of a portion or all of the charges set forth in writing and where he alleges discrimination with respect to all or a portion of the charges:

1. As to that portion of the facts set forth in writing, the verity or severity of which is denied by the appellant, the burden of proof shall rest upon the appointing authority.
2. As to that portion of the appeal in which the appellant alleges discrimination, the burden of proof shall rest upon the appellant.

Chapter 13:

Amend and reenact Rule 13.24(a) to read as follows:

13.24(a) The proceedings of all appellate hearings before the Commission shall be recorded, but shall be transcribed only upon order of the Commission or the Director and upon payment by the person requesting the transcript of such cost as may be determined by the Director.

Chapter 13:

Amend and reenact Rule 13.33 to read as follows:

13.33 Interrogatories; Pre-Trial Discovery; Rehearing of Appeal.

- (a) Interrogatories and pre-trial discovery proceedings shall not be recognized by the Commission.
- (b) No rehearing shall be granted from a final decision of the Commission.

Chapter 14:

Amend and reenact Rule 14.1(e)4 to read as follows:

14.1(e)4 Note: Deleted effective February 10, 1976.

Chapter 16:

Amend and reenact Rule 16.3(b) to read as follows:

16.3(b) Within six months following the filing of written charges with the Director or the Commission by any person of a violation of the Article or the Rules allegedly committed by any person within the preceding one year, the

Commission shall investigate and hold a public hearing concerning such charges.

Harold E. Forbes
Director

RULES

**Board of Trustees for State
Colleges and Universities**

(Editor's Note: The following rules were adopted on December 19, 1975, to be effective on January 20, 1976.)

Part III

**Physical Plants, Building Use,
Capital Outlay, and Construction**

Section 3.1 Selection of Professional Architects, Engineers, and Landscape Architects for Public Contracts.

The Regular 1975 session of the Louisiana Legislature enacted revised statutes which created professional services selection boards for architects, engineers, and landscape architects.

Architects and engineers to be considered must be registered and licensed under the law of the State of Louisiana.

The Legislature provided for three boards as follows:

- A. The Louisiana Architects Selection Board composed of seven members—six regular members and one member from the particular user agency.
- B. The Louisiana Engineers Selection Board composed of seven members—six regular members and one member from the particular user agency.
- C. The Louisiana Landscape Architects Selection Board composed of five members—four regular members and one member from the particular user agency.

Projects which are predominantly architectural in character shall be classified as architectural projects;

likewise, projects which are predominantly engineering character shall be classified as engineering projects. Classification shall be made by the Division of Administration.

Whenever a particular project is under consideration, the president of the institution or his designated representative shall participate as a member of the professional selection board for architects, engineers, or landscape architects handling the particular project.

The participation of the user agency member shall be restricted to matters directly affecting the project of his agency, and he shall be entitled to vote on all matters affecting the project of his agency.

Section 3.2 Fees for Bond Attorneys

If bond attorneys are employed by the Board, fees shall be governed by provisions of Act 619 of 1954 with the concurrence of the State Attorney General.

Section 3.3 Limits of Project Cost and Project Scope

- A. Total Construction Budget:
The total construction budget as indicated to the designer by the owner shall include the scope of work for which the designer is responsible, including the design fee. Any contingency fund noted shall be reserved at the time of award of construction contracts.
- B. Cost Limitations:
The designer shall conform his plans to a design for which the construction cost, together with the addition of design fees, shall not exceed the total construction budget.
- C. Fees for Architects and Engineers:
Fees for professional services shall be computed prior to the signing of the contract between owner and designer. Computation of the base fee, reimbursable expenses, and charges for any additional services shall be in accordance with the latest edition of the Procedure Manual for Capital Improvement Projects, for Planning, Design, and Construction issued by the Division of Administration.
- D. Payment to the Designer:
Colleges and universities shall make provision to pay architects and/or engineers from funds available and authorized for contractual purposes upon satisfactory completion of the work as hereinafter indicated:

1. Schematic Design, up to fifteen percent
2. Design Development, up to thirty percent
3. Construction Documents, up to seventy percent
4. Bidding and Contracts, up to seventy-five percent
5. Construction Contract Administration, up to one hundred percent

- E. Certificates of Payment:
Based on such observation at the site and on the contractor's application for payment, the designer (architect/engineer) shall determine the amount owed the contractor and shall issue certificates of payment in such amount. The designer shall submit his certificate and submit the requests to the owner in triplicate for payment, all in accordance with the aforementioned procedure manual of the Division of Administration.

Section 3.4 Contracts

- A. Standard forms approved by the Office of the Attorney General shall be used by the Board in connection with architectural and engineering contractual services.
- B. The Board shall not consider any plans submitted by an architect/engineer for any building or construction project under its control until a signed and confirmed contract is on file.
- C. Before preliminary or final construction plans are presented to the Board, the plans shall have been reviewed by the officials of the institution affected, Facilities Planning and Control, Division of Administration, and the Physical Plant Committee of the Board.

Section 3.5 Bids and Specifications, Bid Forms

The estimated cost of the items should be placed on the bid form when submitted to the Board for approval and permission to obtain bids.

Section 3.6 Procedure for Bidding

- A. The president and business manager of the university or college together with the technical representative of the Board are authorized to receive bids. The advertising for bids and the opening of bids shall be in strict accordance with State law pertaining to this procedure. The bids shall be tabulated and submitted to the

Board for selection of the low bidder meeting specifications and for the awarding of the contract.

- B. All bid openings on general construction contracts shall be held in an administrative office on the campuses of the various colleges and universities under the jurisdiction of the Board or in Baton Rouge at a designated office in the State complex.
- C. All architects/engineers who are engaged to perform work for the Board shall be instructed that, for the purpose of advertising for bids, a base bid category with approved sequential alternates shall be the sole figure requested of bidding contractors.
- D. Bid forms with estimated costs and detailed specifications on furniture and equipment to be purchased from funds under the jurisdiction of the Board shall have prior Board approval before bids are let. The Board shall give authority and permission to advertise for and to receive bids.
- E. After bids have been duly received, the college or university shall present a bid tabulation sheet, signed and certified, to the Board for approval of the low bidder meeting specifications.
- F. The approval of specifications for the purchase of furniture and equipment applies only to those items that have to be approved by the Board.

Section 3.7 Facilities, Use of

When facilities of the institution are used for activities other than those of the institution, organizations concerned shall be required to reimburse the school for all costs incurred in connection with the affair, and they shall be further required to carry sufficient public liability insurance to protect all parties concerned, including the institution.

Section 3.8 Naming of Buildings

- A. Recommendations regarding the naming of buildings on the campuses shall be made by the president of the institution and received and approved by the Board.
- B. A standard plaque designed by the Board may

be placed on self-liquidating buildings to be built on the campuses of colleges and universities under the supervision of the Board.

- C. No plaques shall be installed or designed for any college or university building until submitted to the Board.

Section 3.9 Projects

- A. Construction projects shall not be accepted by the Board until final acceptance is recommended by the architect/engineer, the president of the institution, Facility Planning and Control, Division of Administration, and the Physical Plant Committee of the Board.

Section 3.10 Plans and Specifications

- A. Plans for construction of buildings at the institutions as well as all other matters pertaining to the buildings and grounds, should first be submitted to the Physical Plant Committee for examination and approval. The Board will act only upon the recommendation of the Physical Plant Committee.
- B. All master plans for the colleges and universities shall be approved by the president of the institution before they are submitted to the Physical Plant Committee for consideration.
- C. When applications for construction of all buildings at the institutions of higher education are presented to the Board, they must be accompanied by all pertinent data on existing facilities and occupancy. Requests for construction of new dormitories shall be accompanied by a special report with reference to the distance the dormitory students live from a dormitory.
- D. All construction projects, additions, change orders, or any other additions or reductions in the scope of the contract shall have prior approval of the Board.

Section 3.11 Construction Under Division of Administration

When the final plans and specifications of the building or construction project under the jurisdiction of the Board have been approved by the Facilities Planning and Control Section, Division of Administration for location on a site designated by the Board, the Division of Administration shall be requested to proceed with the project with the

understanding that the president of the institution and the technical representative of the Board shall collaborate with the Facilities Planning and Control Section, Division of Administration.

Section 3.12 Easements, Servitudes, and Rights-of-Way

All requests for easements, servitudes, and rights-of-way on college or university campuses or properties under the jurisdiction of the Board shall be submitted fully documented by the president of the institution to the Physical Plant Committee for approval by the Board, subject to approval of the State Attorney General.

Section 3.13 Options

Any option of the Board on land on which the date of expiration has passed shall be cancelled and any such matter shall be brought to the immediate attention of the Board.

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Part VI

Financial and Leave Policies and Procedures

Section 6.1 Reports

- A. All colleges and universities under the jurisdiction of the Board shall submit an annual report of all funds from all sources by August 1 each year in order that the Board may see an overall picture of their financial situations. Such reports shall be submitted on forms prescribed by the Board staff as approved by the Board.
- B. All colleges and universities under the jurisdiction of the Board shall submit to the Board office one copy of the monthly report of operations required by the State Division of Administration.

Section 6.2 Budgets

- A. Budgetary requests by each college and university for the ensuing fiscal year for presentation to the Governor and the Legislature shall be presented to the Board for approval prior to presentation to the Governor and the Legislature. After appropriations have been made by the Legislature and approved by the Governor, each college and university shall submit a revised budget to the Board for approval, based

on the amounts appropriated and changes resulting from legislative action.

- B. Budget changes or adjustments within an approved budget involving transfers between principal budget categories, including receipts as well as expenditures, shall be submitted to the Board for approval prior to submission to any other State agency.
- C. Any fixed financial relations between students and a college or university which affect the budget shall have approval of the Board.
- D. All capital outlay budget requests for presentation to the Governor and the Legislature shall be submitted to the Board for approval prior to presentation to the Governor and the Legislature.

Section 6.3 Federal Funds

- A. All colleges and universities are authorized to make application for Federal funds from any Federal agency for educational purposes, construction of physical facilities, student aid or other purpose which will assist the colleges and universities in carrying out their functions and responsibilities.
- B. Each college and university making application for Federal grants shall submit a summary of the application to the Board office; when a grant award is received, a copy shall be submitted to the Board office.
- C. Colleges and universities are authorized to employ an independent firm of certified public accountants to audit Federal programs upon specific approval of the action by the Board. Such action shall be taken when the Federal guidelines for the audit of such programs necessitate it; payment for such audits shall be the responsibility of the college or university employing the CPA firm.

Section 6.4 Compliance with Federal and State Laws

It shall be the policy of the Board that all colleges and universities under its control shall comply with all Federal and State laws and that there shall be no discrimination on the grounds of race, color, or national origin in providing individual services, financial aid, or other benefits; or in the use of lands, buildings, equipment, or other facilities.

Section 6.5 Student Residence Regulations

Because residence classification is an important part of fee determination, admission regulations, and other policies of the colleges and universities, it is important that colleges and universities have fair and equitable regulations which can be administered consistently and still respect the interests of both the students and the taxpayers of Louisiana. It is the responsibility of the student to provide the colleges and universities with such evidence as deemed necessary to establish his residence status.

The residence status of an applicant or student shall be determined in accordance with Board regulations and shall be based upon evidence provided in the application for admission and related documents. Residence status shall be determined by the office of the registrar and/or admissions officer after the completed application for admission has been submitted. The regulations shall be based primarily on the location of the home and the place of employment. Residence status may not be acquired by an applicant or student while residing in Louisiana for the primary purpose of attending school. Residence status is not determined for students registered for three semester hours or less.

A. An applicant living with his parents shall be classified as a resident if the parents have established a bona fide residence in Louisiana if he actually resides and is employed full time in the State. A parent who is unable to be employed or who is a housewife may be considered to have established a residence in Louisiana if there is convincing evidence that the person continuously resides in Louisiana. If only one parent qualifies as a resident of Louisiana, the student shall be classified as a resident. An individual who resides in Louisiana and is employed full time in another state, or an individual who resides in another state and is employed full time in Louisiana may be classified as a resident. In such case, appropriate documentary evidence shall be presented.

B. An applicant who resides in another state may be considered a resident if a deceased parent qualified under these regulations as a resident of Louisiana at the time of his death. Such an applicant who has resided and been employed full time in another state for two years or longer cannot qualify as a resident under this provision.

- C. A student residing with his parents who enrolls as a nonresident shall be classified as a resident if his parents move to Louisiana and acquire residence as defined in these regulations.
- D. A person may be classified as a resident of Louisiana at the end of twelve consecutive months of residence if he has been employed full time in Louisiana and if during that period he has not been registered in an educational institution for more than six semester hours or its equivalent in any semester. A person who is unable to be employed and who has not been registered in any educational institution for more than six semester hours or its equivalent in any semester may acquire residence in Louisiana if there is convincing evidence that he continuously resided in Louisiana for twelve consecutive months immediately preceding registration.
- E. A student who is married to a Louisiana resident may acquire the residence status of his or her spouse.
- F. A person who resides in Louisiana for at least two years, exclusive of military service, and then moves to another state or foreign country shall retain the right to enroll himself or any of his dependents as a resident for a period equal to the number of years he resided in Louisiana, but the right shall expire upon the person's residing for a period of five years in another state or foreign country.
- G. A member of the armed forces currently stationed in Louisiana and his dependents shall be classified as Louisiana residents. A serviceman who was stationed in Louisiana immediately prior to his release from active duty may enroll himself or his dependents as residents during a period not to exceed six months after the date of release provided that his term of active duty shall have been no less than twelve consecutive months.
- H. A member of the armed forces who was a resident of Louisiana immediately prior to entering the armed forces shall retain the right for himself or any of his dependents to be classified as a resident as long as he is in the armed forces and for a five-year period after leaving the armed forces.
- I. A resident of Louisiana shall not lose the right to be classified as a resident during periods of employment in a foreign country.

J. An alien who has been lawfully admitted to the United States for permanent residence as an immigrant (proof of such status shall be possession of his Form 1-151-Alien Registration Receipt Card) and who has established residence under any of the foregoing provisions shall be declared a resident of the State.

K. An applicant shall be declared a resident if either parent is a graduate of any state institution of higher learning in Louisiana.

The president of each institution shall be authorized to appoint a Residence Regulations Appeals Committee. Any student classified as a nonresident may appeal his classification to this committee.

Section 6.6 Student Fees

A. Application Fee

An application fee of \$5.00 for United States students and \$15.00 for foreign students (non-refundable) shall be assessed each person making application for admission or re-admission to a college or university under the jurisdiction of the Board.

B. Activity, Registration, and Tuition Fees

1. Activity Fee—an activity fee of \$10 per semester shall be assessed each student.

2. Registration—a registration fee of \$40 per semester shall be assessed each student.

3. Tuition Fee—a tuition fee of \$5 per semester credit hour shall be assessed each student.

4. Non-Resident Fee—a non-resident fee of \$25 per credit hour shall be assessed each student classified as non-resident under the regulations of the Board. This fee shall be in addition to Items B.1., B.2., and B.3.

5. Off-Campus Fees

a. Fees for extension courses and other off-campus offerings (except contractual arrangements) shall be assessed in the same manner as for on-campus offerings. (B.1., B.2., B.3., and B.4.)

b. Fees for courses offered under contractual arrangements may not be for a lesser consideration than B.5.a.

6. Late Registration Fee—an additional fee of \$15 will be charged any student registering after the close of the regular registration period.

7. Refund Policy—each university shall develop a refund policy for registration fees appropriate to the individual campus.

C. Drop, Add, and Change Fees

A transaction fee of \$5 for a drop, add, or change of section may be assessed during the drop-add period when the transaction is for the convenience of the student. All transactions for the convenience of the university and beyond the control of the student shall be without charge.

D. Building Use Fee

All colleges and universities under the Board are authorized to continue to levy facility use fees as included in the bond agreements outstanding and formerly approved by the State Board of Education. The building use fee is at the rate of \$10 per semester. The revenues derived from these fees shall be dedicated to the construction and/or renovation of academic facilities.

E. Vehicle Registration Fee

Colleges and universities under the Board are authorized to assess vehicle registration fees up to \$5 per semester, not to exceed \$12.50 per year, unless approval is granted by the Board of a different plan. The income from these registrations is to be used for construction, repair, maintenance, and operation of parking facilities including streets, roadways, walks, buildings, and walkways leading into such parking facilities.

F. Self-Assessment Fees

All self-assessment fee proposals voted by students upon themselves and their successors shall be submitted by the President with his recommendations to the Board for final approval. Each referendum shall state a specific term of assessment.

G. Room Deposit

A \$25 room deposit will be charged each student reserving a dormitory room. This deposit will be forfeited if the student has not canceled his reservation by forty-five days prior to the announced opening time of dormitories for the term for which he has applied.

H. Waiver of Non-Resident (Out-of-State) Fees

Each college and university under the Board is authorized to identify and award non-resident fee waiver scholarships to academically talented students among those out-of-state applicants to the university.

The criteria to be met by the students are:

Eligibility is limited to beginning students (freshmen and transfers from other colleges and universities) who meet four of the following criteria:

- a. Minimum of 3.0 grade point average (college or seven semesters of high school).
- b. Academic rank in the upper ten percent of the class.
- c. ACT minimum composite score of 23 or equivalent on other nationally recognized tests.
- d. Leadership in extracurricular activities.
- e. Satisfactory evaluation resulting from a personal interview.

Certification of the list of students meeting these criteria annually shall be made to the Executive Director of the Board for submission to the Board.

I. Special Purpose Fees

Special purpose fees may be assessed by each college or university as appropriate upon review and approval by the Board.

Section 6.7 Leave Record Establishment and Regulations for All Unclassified, Non-Civil Service Employees

The rules and policies set forth below shall be applicable to all unclassified, non-civil service employees under the jurisdiction of the Board. It is the policy of the Board that unclassified employees deserve equal treatment with other classes of State employees, and these rules and policies are promulgated under that concept.

Section 6.8 Annual Leave

A. Workweeks and Attendance Records for Unclassified Employees

1. For purposes of leave, appointing authorities shall establish workweeks of forty hours per week for full-time employees. The purpose of establishing the forty-hour week is merely to provide appointing au-

thorities a system of accounting for and the taking of sick leave. Nothing contained in this policy shall be construed as requiring academic teaching personnel, whether employed on a twelve-month basis or on a basis other than twelve months, to be physically present for the period of forty hours per week in their classrooms, laboratories, offices, or any other place where their employment duties are performed.

2. For purposes of leave, appointing authorities shall establish for part-time employees workweeks proportionate to the provisions of the previous paragraph.
3. Daily attendance and leave records shall be maintained for all unclassified employees. The Board may, in the exercise of its discretion, adopt an attendance form designed merely to indicate that academic teaching personnel were either present or absent from their usual duty posts during the usual working day for such personnel. These records shall be signed by the employee and his supervisor and reported at least monthly to the appropriate office at the end of each regular pay period.

4. Definitions

- a. Annual leave is leave with pay granted an employee for the purpose of rehabilitation, restoration, maintenance of work efficiency, or attention to other personal concerns.
- b. Faculty leave is leave granted to faculty members employed on the nine-month (academic year) basis in lieu of annual leave and is comprised of the days between terms and at holiday periods when students are not in classes. This special form of leave shall be taken as it is earned.

B. Earning of Annual Leave by Unclassified Employees on the Twelve-Month Basis

1. Annual leave shall be earned by each eligible employee who has a regular tour of duty.
2. The earning of annual leave shall be based on the equivalent of years of full-time State service and shall be creditable at the end of

each pay period or calendar month in accordance with the following general schedule:

- a. Less than three years of equivalent State service: at the rate of one day of annual leave per month of full time service, or the equivalent thereof in hours.
 - b. Three years, but less than five years, of State service: at the rate of one and one-fourth days of annual leave per month of full-time service, or the equivalent thereof in hours.
 - c. Five years, but less than ten years, of State service: at the rate of one and one-half days of annual leave per month of full-time service, or the equivalent thereof in hours.
 - d. Ten years, but less than fifteen years, of State service: at the rate of one and three-fourth days of annual leave per month of full-time service, or the equivalent thereof in hours.
 - e. Fifteen or more years of State service: at the rate of two days of annual leave per month of full-time service, or the equivalent thereof in hours.
3. No unclassified employee shall be credited with annual leave for any calendar month:
- a. Until he has completed the calendar month in which he was employed;
 - b. During which he has been on leave without pay for ten or more working days;
 - c. While serving in the military.

C. Earning Annual or Faculty Leave for Employees Employed on Other Than the Twelve-Month Basis.

1. Annual leave or faculty leave shall be earned by each eligible employee who has a regular tour of duty.
2. The earning of annual leave shall be based on the equivalent years of full-time State service and shall be creditable at the end of each pay period or calendar month as follows:
 - a. (See chart at bottom of page)
 - b. For contract periods of less than twelve months and for part-time employees a proportionate rate shall be used.
 - c. Faculty leave by the nine-month faculty shall be earned and taken as it is earned as specified by the official calendar of the institution served.
 - d. Annual leave for unclassified employees on a basis of less than twelve months shall be subject to restrictions cited in B.3.a., B.3.b., and B.3.c.

D. Personnel not employed on a continuing basis (temporary employees) shall not earn annual leave.

E. Accrued unused annual leave earned by an employee shall be carried forward to the succeeding years without limitation.

F. Transfer of Annual Leave
When an employee changes his position from one State agency to another, his accumulated annual leave shall be forwarded to the new agency and shall be credited to him.

Years of Service

Length of Contract	Summer Session Worked	Less than 3	3 but less than 5	5 but less than 10	10 but less than 15	15 and over
9 mos.	12 weeks	12	15	18	21	24
9 mos.	9 weeks	11 1/4	14	17 1/4	19 3/4	22 1/2
9 mos.	6 weeks	10 1/2	13	15 3/4	18 1/2	21
9 mos.	none	9	11 1/4	13 1/2	15 3/4	18

G. Use of Annual Leave

1. Legal holidays, State-designated holidays, days of local conditions and celebrations, and similar periods when designated, announced and observed by the institution, shall not be charged to annual leave.
2. Annual leave shall be applied for in advance by the employee and may be taken only when approved by the appointing authority.
3. The minimum charge to annual leave shall be four hours (1/2 day); if more, it shall be charged in hour increments to the nearest hour.
4. Mandatory and other requirements relating to the taking of annual leave:
 - a. An appointing authority may require an employee who has sufficient annual leave to his credit to take annual leave whenever the authority feels that it is best for the employee or the appointing authority.
 - b. Except when given special advance approval for absence from duty, an employee must be at his work station for the day in order to be classified as on duty. A work station normally will be in one's office or at a place elsewhere on the employer's premises that is appropriate for the work of the moment, but it may also be at a place off the employer's premises while traveling or in conference or otherwise engaged in work for, or representing, the employer.
5. Upon resignation, death, removal, or other termination of employment of an unclassified employee, annual leave amounting to the same maximum as is provided for members of the classified service of the State by the Civil Service Commission and approved by the Governor, and accrued to his credit shall be computed and the value thereof shall be paid to him or his heirs, provided that the annual leave has been accrued under established leave regulations and an attendance record has been maintained for the employee by his supervisor. Such pay shall be computed at the em-

ployee's base rate of pay at the time of termination.

Section 6.9 Sick Leave

Sick Leave for Unclassified Academic Personnel

A. Employees, work weeks, and definitions

1. Appointing authorities shall establish work weeks of forty hours per week for full-time employees. The purpose of establishing the forty hour week is merely to provide appointing authorities a system of accounting for and the taking of sick leave. Nothing contained in this policy shall be construed as requiring academic teaching personnel, whether employed on a twelve-month basis or on a basis other than twelve months, to be physically present for the period of forty hours per week in their classrooms, laboratories, offices, or any other place where their employment duties are performed.
2. Appointing authorities shall establish for part-time employees workweeks proportionate to the provisions of the previous paragraph.
3. Daily attendance and leave records must be maintained for unclassified employees. The Board may, in the exercise of its discretion, adopt an attendance form designed merely to indicate that academic teaching personnel were either present or absent from their usual duty posts during the usual working day for such personnel. The attendance record shall be signed by the employee and reported monthly to the personnel office.
4. Sick leave is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities and who requires medical, dental, or optical consultation or treatment.

B. Earning of Sick Leave for Twelve-Month Employees

1. Sick leave shall be earned by each employee who has a regular tour of duty.
2. The earning of such leave shall be based on the equivalent of years of full-time State

service and shall be creditable at the end of each calendar month in accordance with the following general schedule:

- a. Less than three years of service: at the rate of one day of sick leave per month, or the equivalent thereof in hours.
 - b. Three years but less than five years of service: at the rate of one and one-fourth days of sick leave per month, or the equivalent thereof in hours.
 - c. Five years but less than ten years of service: at the rate of one and one-half days of sick leave per month, or the equivalent thereof in hours.
 - d. Ten years but less than fifteen years of service: at the rate of one and three-fourth days of sick leave per month, or the equivalent thereof in hours.
 - e. Fifteen or more years of service: at the rate of two days of sick leave per month, or the equivalent thereof in hours.
3. No twelve-month unclassified employee shall be credited with sick leave for any calendar month:
- a. Until he has completed the calendar month in which he was employed;
 - b. During which he has been on leave without pay for ten or more working days;
 - c. While serving in the military.

C. Earning of Sick Leave for Employees Employed on Other Than the Twelve-Month Basis.

1. Sick leave shall be earned by each employee who has a regular tour of duty.
2. The earning of such leave shall be based on the equivalent of years of full-time service and shall be creditable at the end of each calendar month as follows:
 - a. (See chart at bottom of page)
 - b. For contract periods less than twelve months but different from nine months a proportionate rate should be used.
3. No unclassified employee employed on a basis of less than twelve months shall be credited with sick leave for the reasons cited in B.3.a., B.3.b., and B.3.c.

D. Accrued unused sick leave earned by an employee shall be carried forward to the succeeding years without limitation.

E. Transfer of Sick Leave
When an employee changes his position from one State agency to another his accumulated sick leave shall be forwarded to the new agency and shall be credited to him.

F. Use of Sick Leave

1. Sick leave with pay may be taken by an employee who has sufficient leave to his credit for the following:
 - a. Illness or injury which prevents performance of his usual duties.
 - b. Medical, dental, or optical consultation or treatment.
2. The minimum charge for sick leave shall be four hours (1/2 day); and if more, it shall be charged in hour increments to the nearest hour.

Years of Service

Length of Contract	Summer Session Worked	Less than 3	3 but less than 5	5 but less than 10	10 but less than 15	15 and over
9 mos.	12 weeks	12	15	18	21	24
9 mos.	9 weeks	11 1/4	14	17 1/4	19 3/4	22 1/2
9 mos.	6 weeks	10 1/2	13	15 3/4	18 1/2	21
9 mos.	none	9	11 1/4	13 1/2	15 3/4	18

3. The employee may use sick leave for maternity purposes when her postnatal or prenatal condition prevents the performance of usual duties, provided the employee has sufficient sick leave credit. The limit to the use of sick leave for a postnatal condition shall be six weeks unless a physician certifies employee's inability to return to work.
 4. An appointing authority may advance sick leave with pay in an amount not to exceed twenty-two working days to an unclassified employee who has exhausted his sick leave.
 5. The value of any advance sick leave which has not been repaid at the time of the employee's separation from the unclassified service shall be deducted from his last paycheck and/or paid in cash to the appointing authority, unless the separation is for the purpose of moving to another State agency, in which case the advanced sick leave shall be forwarded to the agency accepting him as an employee.
 6. Upon separation caused by disability, death or retirement, all advanced sick leave shall be canceled.
 7. Upon death or retirement of an unclassified employee, sick leave accrued to his credit shall be computed and the value thereof shall be paid to him or his heirs, provided that the sick leave has been accrued under established leave regulations and a daily attendance record has been maintained for the employee by his supervisor, except that such payment shall not exceed the value of twenty-five working days computed on the basis of a five-day week and on a four-week per month basis for personnel employed on less than the twelve-month employment basis and on the basis of a five-day week and fifty-two week year for twelve-month employees. The rate of pay shall be computed using the base rate the employee is receiving at the time of termination.
- G. Nothing in this policy shall authorize or require the reduction of any sick leave benefits presently available to any unclassified, academic employee under any contract, law, agreement, custom or policy in effect at twelve o'clock noon on July 31, 1974.

Section 6.10 Leave for Civil and National Services

- A. An employee shall be given time off without loss of pay, annual leave, or sick leave when:
 1. Performing jury duty.
 2. Summoned to appear as a witness before a court, grand jury, or other public body or commission.
 3. Performing emergency civilian duty in relation to national defense.
 4. His appointing authority determines that he is prevented by an act of God from performing his duty.
 5. Voting in a primary, general, or special election which falls on his scheduled working day, provided that not more than two hours of leave shall be allowed an employee to vote in the parish where he is employed, and not more than one day to vote in a parish other than the one where he is employed.
 6. The appointing authority shall determine when local conditions or celebrations make it impracticable for his employees to work.

Section 6.11 Military Leave

- A. Employees who are members of a reserve component of the armed forces of the United States or the National Guard shall be granted leaves of absence from their positions without loss of pay, time, or annual or sick leave when ordered to active duty for field training or training authorized in lieu thereof when the individual is given constructive credit for such training, such leaves shall be for periods not to exceed fifteen working days in any calendar year, but an appointing authority may grant an employee annual leave or leave without pay or both, in accordance with other provisions of these leave regulations for such periods which exceed fifteen working days in any calendar year.
- B. Employees who are inducted or ordered to active duty to fulfill reserve obligations or who are ordered to active duty in connection with reserve activities in indefinite periods or for periods in excess of their annual field training shall be ineligible for leave with pay.

Section 6.12 Other Leave

A. Workmen’s Compensation Payments—Optional Leave with Pay.

When an employee is absent from work owing to disabilities for which he is entitled to workmen’s compensation, he may, at his option, use sick or annual leave for any appropriate combination of sick and annual leave (not to exceed the amount necessary) to receive total payment for leave and workmen’s compensation in accordance with law.

B. An employee may be given time off without loss of pay, annual leave, or sick leave when attending the obsequies of a relative within the fourth degree of relationship by blood or affinity, affinity being defined as the relationship by marriage between a husband and his wife’s blood relatives, or between a wife and her husband’s blood relatives, provided that such time off shall not exceed two days on any one occasion. Relatives within the fourth degree of relationship for purposes of this section include the following:

Mother	Sister
Father	Uncle
Grandmother	Aunt
Grandfather	Cousin
Great-Grandmother	Nephew
Great-Grandfather	Grandnephew
Child	Niece
Grandchild	Grandniece
Great-Grandchild	Great-Uncle
Brother	Great-Aunt

Section 6.13 Execution of Contracts, Lease Agreements, Rights-of-Way

Contracts involving the purchase or sale of land, mineral rights and construction; and lease agreements, right-of-way or easement agreements shall be signed by the President of the Board only after approval by the Board.

* * * *

Part IX

Athletic Policies

The intercollegiate athletic programs of the colleges and universities under the jurisdiction of the Board of Trustees for State Colleges and Universities shall be

governed by the athletic policies established by said Board.

The athletic director of each institution will be responsible for the distribution of the athletic policies to all personnel concerned as well as the purchasing of current NCAA manuals for all coaches. Each coach will be personally responsible for his actions regarding the rules of the Board as well as those of the NCAA.

Section 9.1 Administration

A. Athletic Committee

1. The athletic policies of schools under the jurisdiction of the Board will be under the direct supervision of an Athletic Committee comprised of five members of the Board appointed by the President of the Board.
2. The Committee shall determine, with final approval of the Board, the athletic policies of all schools under the jurisdiction of the Board, as well as any other rules of the Board and regulatory bodies to which a school may be held accountable (Board policy, NCAA policy).
3. The Committee may suspend or place on probation any institution under the jurisdiction of the Board found in violation of any rule, regulation, or policy of the Board.
4. The Committee may prohibit any student athlete from competing for any institution or participating in any championship, meet, or tournament, if same has been adjudged in violation of rules, regulations, or policies.
5. When penalties for certain violations are not specifically covered by the existing athletic policies, the Committee shall use its discretion of affixing same.
6. All actions of the Athletic Committee shall be subject to approval by the Board.

B. Coordinator of College Athletics

1. The Coordinator of College Athletics shall be appointed by the Board and shall implement the athletic policies of the Board.
2. Duties of the Coordinator—The Coordinator:

- a. Shall interpret the athletic rules and regulations of the Board and assist the member institutions in obtaining interpretations of NCAA regulations;
 - b. Shall, when a violation becomes known to him, report it to the president of the institution involved, its athletic director, its faculty representative, and any other individual or group as he deems necessary;
 - c. Shall be responsible for the enforcement of the athletic rules and regulations of the Board and the NCAA; and shall report such violations and action taken to any organization to which an institution belongs;
 - d. Shall maintain a record of all athletic reports submitted to him in accordance with Board policies;
 - e. May, at his discretion, make such inspections and investigations of the activities of member institutions as he deems necessary;
 - f. Shall receive and keep a record of every pre-enrollment application and migrant or transfer's athletic participation record;
 - g. Shall impose all penalties prescribed as well as those penalties shown on the pre-enrollment application, for rule and regulation violations. Public announcements pertaining to penalties imposed upon institutions will be made by the Coordinator only;
 - h. Shall receive and act upon requests for eligibility rulings:
 - 1. All requests for eligibility rulings must be submitted in writing by the athletic director of the institution requesting the ruling.
 - 2. The following information must be included in the request:
 - (a) The athlete's full name
 - (b) First date of matriculation in a junior college, college or university
 - (c) If a transfer, a positive statement that the athlete is eligible to return to the institution from which he is transferring
 - (d) If a veteran, a statement as to voluntary or involuntary entrance to service, academic status at time of entering service, and length of time spent in service
 - (e) A positive statement, signed by the athletic director, as to prior athletic participation (number of years and sports) in intercollegiate athletics;
- 3. Omission of any of the above information will render the request invalid;
 - i. Shall have printed the athletic policies of the Board and will furnish each institution with twenty copies and each Board member with two copies;
 - j. Shall promote the athletic programs of the State colleges and universities through all news media, alumni associations, and public contact;
 - k. Shall distribute the minutes of the Faculty Commission to presidents and athletic directors and commission members.

C. Faculty Commission

- 1. The Faculty Commission, composed of the Chairman of the Athletic Committee from each school under the jurisdiction of the Board, shall prepare and present guidelines to the Athletic Committee and act as an Appeals Committee on rulings by the Coordinator.
- 2. Any proposed change originating from the schools in the athletic policies of the Board shall be presented through the Coordinator of College Athletics to the Faculty Commission for its consideration and presentation to the Athletic Committee of the Board. Any proposed change in the athletic policies must be circulated to the Faculty Commission, athletic directors, and presidents at least fifteen days prior to any recorded vote.
- 3. The Faculty Commission shall elect a chairman and vice chairman on an annual basis from its own members.
- 4. All actions of the Faculty Commission shall be subject to final approval by the Athletic Committee of the Board.

Section 9.2 Membership Affiliation

A. National Associations

1. Each institution under the jurisdiction of the Board must be a member of the National Collegiate Athletic Association (NCAA).
2. Any institution under the jurisdiction of the Board may, in addition to membership in NCAA, join other national athletic associations, such as the National Association of Intercollegiate Athletics (NAIA).

B. Athletic Conferences

The decision as to whether an institution, under the jurisdiction of the Board, wishes to be a member of an athletic conference or to participate in athletics as an independent is left to the discretion of each institution.

Section 9.3 Finances

All funds, including those from outside sources, used in the athletic program must be processed by the college or university accounting system and are subject to audit.

A. Resources

1. Gate receipts, scholarships appropriations, coaches' salaries, concessions and programs, and the \$20,000 which the Board allocates, are the only funds from State sources which can be expended for athletics.
2. Funds other than those from State sources, "outside assistance", may be used to support the athletic program, provided that these monies are handled by the duly appointed financial official of the institution.
3. Federal money can be used as aid to student athletes. However, each student athlete, so aided, will count as one of the total number of scholarships allowed as set forth in the division of scholarships.
4. Any funds generated from athletic activities on the campus involving coaching personnel who are employed on a twelve-month basis will be retained by the institution.

5. The policy on student athletic fees allows each institution to assess each student \$10.00 per semester.

B. Expenditures

1. "Outside assistance" funds can be used only to the maximum limit of the sports, as stated in the division of scholarships.
2. All athletic travel by State institutions must be charged to their athletic budgets.

Section 9.4 Scholarships

A. Types and Value

1. Full Athletic Scholarships--These scholarships consist of tuition and fees, room and board, and books.

B. Number of Scholarships

1. Each institution is entitled to 129 full athletic scholarships from State funds. The number of scholarships for each sport is shown under division of scholarships.
2. Each institution may award scholarships from "outside assistance" only to the maximum limits of the sports, as stated in the division of scholarships. The value of a scholarship from "outside assistance" may not exceed the value of a full athletic scholarship.

C. Definition of Participant and Competitor

A participant is to be interpreted as any student who practices with any of the official teams sponsored by the university for intercollegiate competition. A participant is also any student on an athletic scholarship.

A competitor is anyone who takes part in any official intercollegiate athletic contest.

D. Division of Scholarships

Each institution will follow the NCAA regulations regarding the maximum number of initial signees in all sports in their division.

1. Football--Shall have no more than seventy full state-supported athletic scholarships, of

which thirty may be for out-of-state students.

2. Basketball—Shall follow the formula as set by the NCAA which will limit the total awards in effect to sixteen in 1976-77 and conform to the new limit of fifteen in 1977-78. The first consecutive two-year period for initial awards shall be 1976-77 and 1977-78 academic years.
3. Track—Shall have no more than fourteen State-supported full athletic scholarships or the equivalent of. The total of all scholarships and participants shall not exceed thirty-five.
4. Baseball—Shall have no more than twelve State-supported full athletic scholarships or the equivalent of.
5. Tennis—Shall have no more than four State-supported full athletic scholarships or the equivalent of.
6. Golf—Shall have no more than four State-supported full athletic scholarships or the equivalent of.
7. Spring Sports—Five State-supported scholarships may be used in any sport other than football or basketball.
8. Student athletes receiving scholarships in track, baseball, golf, tennis, gymnastics, weight lifting, swimming, or bowling will not be permitted to take part in football or basketball. However, a scholarship holder in football or basketball may be permitted to take part in track, baseball, golf, tennis, gymnastics, weight lifting, swimming, or bowling.
9. Each school shall abide by the rules and regulations of the conference to which it belongs in regard to use of athletic scholarships. However, in no case shall the value of a scholarship be less than the value of the tuition at the institution.

E. Out-Of-State Scholarships

The maximum number of out-of-state scholarships, from State funds, is fifty; of which no more than thirty may be used in football.

Out-of-state scholarships in excess of fifty may be awarded provided the funds used come from some source other than State funds and are administered by the institution. This does not give permission to exceed the total participation number provided for in the division of scholarships, or the maximum 129 available State-supported scholarships.

F. Penalties Related to Scholarships

1. All schools that exceed the out-of-state limit of fifty student athletes will be required to reduce the total of out-of-state scholarships allowed the following year by that respective number.
2. For violation of giving scholarships other than authorized athletic scholarships, the institution will be penalized that scholarship, plus another additional scholarship for no less than one year; and the student athlete will be rendered ineligible at that institution for no more than one year.
3. An alternate penalty for carrying a student athlete on a scholarship with source other than specified, will be loss of eligibility for that student for one year. If he is a senior and has completed his eligibility, then the institution will be required to refund the money.
4. For exceeding the total number of participants allowed for each sport the institution will be required to reduce immediately the number over the limit and lose for the following year one scholarship for each number over the total allowed participants. The number of total participants would also be reduced by the same number.

Section 9.5 Eligibility Rules

- A. Each institution shall follow the eligibility rules of the NCAA and its conference (if it is a member of one).
- B. In addition to the eligibility rules referred to in A (above), the following eligibility rules shall apply to every student athlete competing in all institution-sponsored athletic contests as a representative of an institution under the jurisdiction of the Board.

1. Regularly registered students may participate in intercollegiate athletics for four years (including freshman, B Team, and varsity competition) provided they meet the conditions of all other eligibility rules. The four years of competition allowed must be completed during the five consecutive years, then consecutive semesters or fifteen consecutive quarters. (Attendance at summer school excepted.)
 - a. Actual time spent in the armed services shall not count as part of the five consecutive years, ten consecutive semesters, or fifteen consecutive quarter periods.
 - b. The five year, ten semester, or fifteen quarter period shall begin when the student athlete first registers in the college department of a junior college, college, or university.
2. An athlete, to be eligible to participate, must be a bona fide registered student, regularly enrolled as a candidate for a degree and doing full work in a regular course of study. Special students or those auditing classes will not be considered regularly registered students.
 - a. He must not compete in any contest under an assumed name.
 - b. He must not have received a college degree.
3. A high school graduate upon his initial matriculation into college who is ineligible according to NCAA academic standards to participate in athletics or in any organized athletic practice sessions during the first year in residence becomes eligible after the completion of two semesters or three quarters, and twenty-four hours.

A student-athlete beyond his first year in any Board institution must have earned twenty-four semester hours or its equivalent in between his seasons of competition in that respective sport to be eligible to compete.

 - a. All eligibility requirements must be satisfied during the semester or quarter, or summer session preceding the semester or quarter, if a student intends to participate (incomplete work within his own institution excepted).
- b. Only those credit hours granted after regular class attendance will satisfy the above requirement.
4. A returning veteran will be allowed to compete in intercollegiate athletic contests as a member of intercollegiate teams at the academic level attained at the time of induction, provided that said competition shall not exceed four years in any sport and provided he is eligible under all other rules.
 - a. If a student athlete serves in the armed forces for a minimum of eighteen months, then the twenty-four hour rules between seasons of participation are waived.
 - b. Any athletic participation while a member of any unit of the armed forces (other than the service academies) shall not count against a student athlete's total intercollegiate competition.
 - c. An athlete dropped for academic, disciplinary, or personal reasons by a school and who enlists voluntarily in the service shall not be eligible upon his discharge for competition until the transfer rules subscribed to have been fulfilled.
 - d. If a student athlete resigns from the college or university after mid-term of a regular semester or quarter and voluntarily enlists in the National Guard or Reserve unit and is on active duty for a period of at least six months, he shall be eligible immediately upon return to the same college or university if at the time of his resignation, the student athlete sustains the minimum grade point average as required by his academic status for that semester or quarter in courses pursued at the time of withdrawal.
5. A student whose eligibility changes at the end of a quarter or semester shall become eligible or ineligible to compete in an NCAA championship on the first day of classes of the following semester or quarter, except that if he is eligible to compete at the time of his or his institution's first participation in an NCAA championship, he

shall remain eligible for the remainder of the meet or tournament.

6. Transfer student must be eligible to re-enter the institution from which they are transferring.
7. A junior college graduate or a junior college transfer is eligible upon registration when he meets the NCAA requirements regarding the junior college rules.
8. All junior college level competition while a student is enrolled in the preparatory department of a junior college will count as college competition.
9. A student attending a junior college or college that has never sponsored an intercollegiate athletic program, ceases to operate or drops a sport or sports, may be declared eligible in that sport (or sports) upon registration provided there is compliance with all other eligibility rules.

C. Penalties

1. Any student entering an institution under the jurisdiction of the Board in violation of V.B.6 above shall be permanently barred from participation at the school he entered while under suspension.

Section 9.6 Recruiting

- A. It is not permissible to utilize the services of another institutional employee as a talent scout (one who travels for a college checking high school material, grades, and ability during the season and does not actively take part in coaching), except on a voluntary basis. He cannot receive compensation or traveling expenses in any form from any source.
- B. Each school under the jurisdiction of the Board shall be allowed to spend up to \$10,000 of their athletic budget for the recruitment of student athletes.

C. Signing Dates

1. The earliest date for signing a student athlete shall be as follows:
 - a. Football—December 1

- b. Basketball—March 1
- c. Spring Sports—April 1

2. If a high school athlete is participating in a tournament or playoff in football or basketball, he cannot be signed until after the completion of the tournament or playoff. An athlete signed before these dates will be ineligible to participate at the institution which signed him.

D. Pre-Enrollment Applications

1. Pre-enrollment applications must be signed on approved forms furnished by the Coordinator of College Athletics.
 - a. A parental (or guardian) signature is required on the form only if the student athlete is a minor (under 18 years of age).
2. To be valid and binding, a duly signed pre-enrollment application must be forwarded to the Coordinator of College Athletics within fifteen days after a student athlete and his parent or guardian (if required to sign) have signed same. Failure to forward the form as prescribed will render the student athlete free to sign with another institution.
3. A student athlete who signs an application for an athletic scholarship (part or full) with one institution under the jurisdiction of the Board, and said application is filed with the Coordinator of College Athletics for the Board within fifteen days of the signing date, may not sign with another institution under said jurisdiction without loss of one year of eligibility, during which time he may not practice with or play for the second institution nor be eligible for any type scholarship award or other financial assistance. (This ruling also applies to a student athlete who participates with one institution and then transfers to another institution. This ruling shall not apply to a student athlete whose financial assistance was terminated by the original institution in which he is enrolled.)
4. All athletic scholarships awards given by a college or university under the jurisdiction

of the Board to high school and transfer student athletes must be honored by all institutions under the jurisdiction of the Board.

- E. Each institution under the jurisdiction of the Board shall follow the NCAA regulations in accordance with its divisional membership as related to academic admission requirements.

F. Migrants or Transfers

Migrants or transfers are students who enter college after having been registered in another college. (Attendance at summer school excepted.)

A migrant or transfer student from a school not under the jurisdiction of the Board ceases to be classified as such after he has completed twenty-four semester hours or thirty-six quarter hours or equivalent in residence at a school under the jurisdiction of the Board provided he is conforming to all other eligibility requirements.

A migrant or transfer is eligible for practice and an athletic scholarship, but is not eligible for competition.

G. Penalties

1. If a prospective student athlete is instrumental in submitting false records, he shall be permanently barred from participation in athletics in situations under the jurisdiction of the Board.
2. If evidence is substantiated that any individual who is in any way a representative of any institution under the jurisdiction of the Board has been a party to falsifying records, or participated in any manner in irregular procedures regarding the establishing of a student athlete's average, said institution shall be barred from any championship and post-season game participation in that sport for a period of one year regardless of conference affiliations.

Section 9.7 Supplemental Regulations

- A. Replacing Participants—It is permissible to replace a participant who drops during the season provided the NCAA tryout regulation is not violated.

- B. Coaches—Each school is allowed a total of ten coaches taking part in football, basketball, baseball, and track providing the money is available. The athletic directors and athletic trainers will not be included in this ten unless they are taking part in the coaching activities of the four sports.

- C. Independent Basketball Teams—Any student athlete who participates in basketball will be prohibited from participation in organized outside basketball competition, both during and after permissible basketball playing season, except in those instances approved by the NCAA Council.

- D. Practice Dates—All institutions shall be governed by applicable NCAA rules pertaining to practice and playing seasons and dates in all sports in which the institution participates.

- E. Baseball Playing Dates—No more than thirty baseball playing dates will be allowed. Eight of these dates are limited to single game dates.

- F. Probation—When a penalty for violation of any regulation is assessed against an institution, the institution shall be placed on probation for a period not to exceed two years; except, that if the same violation occurs during the period of probation, the institution shall be continued on probation for a period not to exceed two years and no scholarship awards may be made to new participants in that sport during the period of probation.

- G. Women's Athletics—Each school will provide for a program of competitive athletics for women, using the basic guidelines recommended by the President's Council and the Board.

Section 9.8 Appeals

Rulings of the Coordinator may be appealed. Such appeals shall go to the Faculty Commission which shall serve as the appeals committee. Institutions or student athletes, who wish to appeal a ruling of the Coordinator shall follow the detailed procedures below.

A. Procedures for Appealing

1. A notice of appeal must be submitted in writing to the Coordinator of College Athletics within five days after the Coordinator has issued the ruling. The Coordinator shall

not make public any penalties until the institution has had an opportunity for appeal.

- a. If the institution is submitting the appeal, it must be signed by the athletic director.
- b. If a student athlete wishes to appeal, his appeal, along with the institution's recommendations, must be sent by the athletic director of the institution which the student athlete is attending or wishes to attend.

Only those appeals submitted in accordance with the above shall be considered as valid appeals.

2. Upon receipt of a valid appeal, the Coordinator shall:

- a. Call a meeting of the appeals committee. The meeting of the appeals committee shall be within fifteen days of receipt of the appeal.
- b. Shall notify all interested parties of the time and place of the meeting.

B. Meeting of the Appeals Committee

1. Composition and Organization

- a. The representative of the institution(s), which submitted the appeal may not participate in the organization or be a member of the committee at the time its appeal or that of its student athlete(s) is to be heard.
- b. A minimum of five members of the Faculty Commission, who are eligible to serve on the committee to hear the appeal, shall constitute a quorum.
- c. The appeals committee shall be presided over by the chairman of the Faculty Commission, except in cases where the school that the chairman of the Faculty Commission represents is involved in an appeals case; in that event, the appeal will be presided over by the vice chairman.

2. Hearing and Appeal

- a. The Coordinator shall present the case and the basis for his ruling. This presentation shall include a written brief of the facts along with supporting documents.
- b. The institution or individual shall present the information relative to its appeal. This presentation shall include a written brief of the facts along with supporting documents. A written brief will be provided to each member of the appeals committee at least seven days prior to the date of the meeting.
- c. The Coordinator, the appealing institution or individual and members of the appeals committee may ask questions of any witness.
- d. Copies of all documents related to the case shall be made a part of the minutes of the hearing.
- e. If information pertinent to the case is not available at the time of hearing, the case should be left open until such information can be secured. If an institution refuses to provide pertinent information when requested to do so, or provided false information, the Coordinator's ruling shall prevail.

C. Review

1. An aggrieved party may request through its chairman a review by the Athletic Committee within five days after the appeals committee has reached a decision. The Athletic Committee may review the decision to the Board for final approval.
2. The review by the Athletic Committee shall be on the record compiled at the appeals committee hearing, which shall be forwarded through the Coordinator to the Athletic Committee chairman if a request for a review is made.

Section 9.9 Penalties That May Be Assessed By The Coordinator

- A. The Coordinator May Impose Any One or Combination of the Following Penalties:

1. Warn an institution to correct specific violations.
2. Reduce an institution's number of scholarships either in total or in a particular sport for a period of one year or more.
3. Reduce an institution's out-of-state scholarships either in total or in a particular sport for a period of one year or more.
4. Require an institution to refund monies spent on scholarships for noneligible student athletes.
5. Declare any student athlete ineligible at one or all institutions under the Board for any specified period of time including permanent.
6. Place an institution on probation.
7. Declare an institution ineligible for championships or post-season play in one or more sports for a specified period of time.
8. Prevent an institution from issuing new scholarships in one or more sports for a specified period.

Section 9.10 Lists and Reports

A. To the Coordinator of College Athletics

1. Eligibility and squad list—must be in the hands of the Coordinator the day before the beginning of competition in that sport.
2. Participation list—will be sent to the Coordinator within fifteen days after the completion of each sport.
3. The points listed below will be followed in preparing the above lists:
 - a. Lists must be made up on approved blanks furnished by the Coordinator of College Athletics of the Board or approved blanks furnished by the conference of which the institution is a member.
 - b. The registrar at each institution shall certify all athletes in his institution as to credits, classifications, hours earned, and dates of entrance.

- c. These lists shall include a complete record of each transfer and of each junior college graduate.
- d. Lists shall be signed by the athletic director and the registrar.

The Coordinator will submit a copy of each of the above list to each school.

4. Transfer and junior college student form must be sent within six weeks of the date the student entered the institution.
5. Athletic budgets are to be presented in advance by each institution to the coordinator's office for presentation to the athletic committee. This is so that said committee may make recommendations to the Board.

B. Reports to the Board of Trustees

1. An annual report on aid to athletics shall be made to the Board and the Coordinator of College Athletics at the close of each fiscal year. The report shall give the following information:
 - a. Names of athletes who participated in intercollegiate athletics (all squad members);
 - b. High schools from which the athletes graduated (school, town, state);
 - c. Sport and sports in which the athlete participated and type of aid:
 1. List sports consecutively
 - (a) Football
 - (b) Basketball
 - (c) Track
 - (d) Baseball
 - (e) Golf
 - (f) Tennis;
 2. Indicate type of aid by placing "A", "B", or "C" by the sport:
 - (a) "A"—full athletic scholarship —These scholarships consist of tuition and fees, room and board, and books.

- (b) "B"—outside sources scholarship—Not to exceed the value of a full athletic scholarship.
 - (c) "C"—other types of aid;
 - d. Source of aid for athletes;
 - e. Dates athletes received aid;
 - f. Total amount of aid.
2. An annual report of the number of coaches and their respective salaries shall be made to the Board and the Coordinator of College Athletics at the close of each fiscal year. The report shall give the following information.
- a. Names of coaches
 - b. Titles
 - c. Sport or sports each coaches
 - d. Teaching loads, if any
 - e. Academic departments in which coaches teach
 - f. Number of months employed
 - g. Amount of salary charged to athletics
 - h. Amount of salary charged to other departments
 - i. Total salary.
3. An annual financial report on athletic income and expenditures shall be made to the Board and the Coordinator of College Athletics at the close of each fiscal year. The report shall give the following information:
- a. Income by sources:
 - 1. Gate receipts
 - 2. Student fees
 - 3. Guarantees
 - 4. Other income (shall be described and enumerated according to specific sources).
 - b. Expenditures by classification:
 - 1. Coaches' salaries
 - 2. Other salaries
 - 3. Student wages
 - 4. Other wages
 - 5. Professional fees for game officials, physicians, etc.
 - 6. Contractual services
 - 7. Travel, including travel of coaches and teams (All expenses pertaining to transportation, lodging, meals,

etc., for teams while away from the campus will be classified as travel expense and charged to the athletic budget.)

- 8. Supplies and materials
- 9. Scholarships
- 10. Awards
- 11. Guarantees
- 12. Equipment.

4. Preparation and Certification of Reports
The reports on scholarships, coaches, and income and expenditures shall be combined and appear over the following certificate which shall be signed by the president and athletic director: "I hereby certify that the information given in the foregoing report is correct to the best of my knowledge and belief. I further certify that the names of all athletes who participated in athletics (all squad members) and all expenditures properly chargeable to athletics are included therein."
5. Circulation of Report
Copies of the annual reports shall be distributed accordingly: Two copies to the coordinator; twenty-five copies to the Board office for distribution to all Board members; and two copies to each president.

Section 9.11 Tickets and Passes

- A. Football Ticket Prices—Minimum prices for football tickets at all State colleges and universities shall be as listed below:
- 1. Box seats—\$5.00
 - 2. Reserved seats—\$3.50
 - 3. General admission—\$3.00
 - 4. Student or children—\$1.00
 - 5. Faculty—Reduced price on purchase of season tickets only.
 - 6. Student spouse—\$10.00 for pass—good for all sports.
 - 7. Ticket prices for standing room space is left to the discretion of each institution.
 - 8. It will be permissible to charge \$2.50 for general admission seats in the end zone if the seats are bleachers
 - 9. Each school may present to the athletic committee ticket plans that are projected to increase revenues and attendance.

B. Complimentary Tickets and Passes—
Complimentary tickets and passes for home games may be issued as listed below upon an advance request for same.

1. Each player or manager—two tickets;
2. Each working member of the press, radio and television—two tickets;
3. Each high school coach—two tickets;
4. President—twenty-four tickets;
5. Athletic director—sixteen tickets;
6. Each member of each coaching staff—six tickets;
7. Each institution is allowed to grant three tickets to prospective student athletes for attendance at collegiate athletic contests, as prescribed by the NCAA.
8. Elected officials—Legislature, Board of Trustees, Mayor of city in which institution is located—two tickets each;
9. Coordinator of College Athletics—four tickets;
10. Members of the Faculty Commission—four tickets;
11. Game officials—two tickets, but only if working and requested in advance;
12. Athletic Council members—two tickets;
13. Visiting teams and managers in football—140 tickets. Mailed in advance (players and managers on the traveling teams receive two tickets each);
14. Visiting basketball squads—thirty tickets. Mailed in advance;
15. Minister pronouncing invocation before each game—two tickets;
16. Special occasions (such as band night)—arrangements may be made to admit these individuals without issuing actual tickets;
17. Former lettermen shall be issued one complimentary ticket for a maximum period of five years following the completion of eligibility;
18. Vice presidents of State colleges and universities—six tickets;
19. Superintendent of Education—four tickets;
20. Board of Regents—Two tickets
21. Members of Board of Trustees representing the district where institution is located—six tickets;
22. Past presidents of State colleges and universities—four tickets;
23. Conference commissioners involved—four tickets;
24. Team physicians—two tickets;
25. Identification cards to be printed up and

sent to Faculty Commission members and members of the athletic staffs of the institutions under the jurisdiction of the Board. The bearers of these identification cards will be eligible for two complimentary tickets for intercollegiate athletic events for schools under the jurisdiction of the Board.

26. Parish Superintendent of Education—two tickets;

Section 9.12 Other Board Policies

A. Scholastic Probation, Suspension and Re-Admission

1. A full-time or part-time student who does not make a “D” average (1.0) on all hours pursued during a semester will be dismissed for one semester, except first semester freshmen who will be placed on probation.
2. A full-time or part-time student who makes an average ranging from 1.0 to 1.5 on all hours pursued during a semester will be placed on probation.
3. A student on probation will be given one semester to make a “C” average (2.0) on all hours pursued during that semester which will remove him from probation; if he does not make a “C” average (2.0), he will be dismissed for one semester.
4. After the lapse of one semester, a student may re-enter on probation; but he must make a “C” average (2.0) on all hours pursued during the semester or he will be dismissed again.
5. A student who resigns after nine weeks of a semester will receive at the time of withdrawal, grades of WA, WB, WC, WD, or WF; and these grades will be used in computing his academic status.
6. A student dismissed at the end of the spring semester may attend the summer session, but he must remain out during the fall semester.
7. A student, after having been dismissed the fourth time, will be allowed to appeal his case for re-admittance for one more and final time provided there has been a lapse of a reasonable period of time since the fourth dismissal.

8. A student under suspension for scholastic reasons may not obtain credit toward a degree on courses pursued at another institution during the period when he is ineligible to register in an institution under the jurisdiction of the Board.

The above are minimum standards and are to be administered by the appropriate faculty committee in each institution of higher education under the jurisdiction of the Board. Appeals must be made to the committee that is going to execute the rules.

- B. Admission by Transfer
Transfer students must be eligible to re-enter the institution from which they are transferring.
- C. Information Shown on Transcripts for Students Transferring
Any transcript issued for a student on scholastic probation or suspension by an institution under the jurisdiction of the Board shall show the effective date of such action and length of suspension.
- D. Definition of a Full-Time Student
A full-time student is one who is taking at least twelve semester hours or its equivalent of scheduled work during a semester or at least six semester hours in a summer session.
- E. Definition of Hours Pursued
Hours pursued are defined as all courses completed and those courses not completed in which the grade of WA, WB, WC, WD, and WF is received. In the case of a student's repeating a course, the last grade and credits made shall be used in computing the point ratio.
- F. Definition of a Part-Time Student
Any student taking less than twelve semester hours (eight quarter hours at Louisiana Tech) in a regular session or less than six semester hours in a summer session will be a part-time student.
- G. Honor Roll
Any regular student who makes an "B" average (3.0) or better in any semester on all hours pursued shall be placed on the honor roll for that semester.
- H. Quality Point System
Institutions under the jurisdiction of the Board shall adopt the quality point allotment of four

points for an "A", three points for a "B", two points for a "C", one point for a "D", and zero points for an "F"; therefore, a 2.0 means a "C" average.

I. Louisiana Resident Status

1. An applicant living with his parents is classified as a resident if the parents have established a bona fide residence in Louisiana. Ordinarily, a parent is considered to have established a residence in Louisiana if he actually resides and is employed full-time in the State. A parent who is unable to be employed or who is a housewife may be considered to have established a residence in Louisiana if there is convincing evidence that he continuously resides in Louisiana. If only one parent qualifies as a resident of Louisiana, the student shall be classified as a resident. An individual who resides in Louisiana and is employed full time in another state or an individual who resides in another state and is employed full-time in Louisiana may be classified as a resident. In such case, appropriate documentary evidence must be presented.
2. An applicant who resides in another state may be considered a resident if a deceased parent qualified under these regulations as a resident of Louisiana at the time of his death. Such an applicant who has resided and been employed full-time in another state for two years or longer cannot qualify as a resident under this provision.
3. A student residing with his parents who enrolls as a nonresident is classified as a resident if his parents move to Louisiana and acquire residence as defined in these regulations.
4. A person may be classified as a resident of Louisiana at the end of twelve consecutive months of residence if he has been employed full time in Louisiana and if during that period he has not been registered in an educational institution for more than six semester hours or its equivalent in any semester. A person who is unable to be employed and has not been registered in any educational institution for more than six semester hours or its equivalent in any semester may acquire residence in Louisiana if there is convincing evidence that he

continuously resided in Louisiana for twelve consecutive months immediately preceding registration.

5. A student who is married to a Louisiana resident may acquire the residence status of his or her spouse.
6. A person who resides in Louisiana for at least two years, exclusive of military service, and then moves to another state or foreign country retains the right to enroll himself or any of his dependents as a resident for a period equal to the number of years he resided in Louisiana, but the right shall expire upon the person's residing for a period of five years in another state or foreign country.
7. A member of the armed forces currently stationed in Louisiana and his dependents shall be classified as Louisiana residents. A serviceman who was stationed in Louisiana immediately prior to his release from active duty may enroll himself or his dependents as residents during a period not to exceed six months after the date of release provided that his term of active duty shall have been no less than twelve consecutive months.
8. A member of the armed forces who was a resident of Louisiana immediately prior to entering the armed forces retained the right for him or any of his dependents to be classified as a resident as long as he is in the armed forces and for a five-year period after leaving the armed forces.
9. A resident of Louisiana does not lose the right to be classified as a resident during periods of employment in a foreign country.
10. An alien who has been lawfully admitted to the United States for permanent residence as an immigrant (proof of such status is his possession of his Form I-151-Alien Registration Receipt Card) and who has established residence under any of the foregoing provisions shall be declared a resident of the state.
11. An applicant shall be declared a resident if either parent is a graduate of any State institution of higher learning in Louisiana.

* * * *

Part XI

Code of Ethics Governing Members of the Board of Trustees for State Colleges and Universities

A Board Member:

1. Owes his primary allegiance to the students attending the colleges and universities of this State and not to any political party, faction or business organization.
2. Will not use his office to seek special privileges or private gain, nor will he use his position to promote his business or private interest.
3. Will seek to provide equal educational opportunities for all students regardless of race, creed, or locality.
4. Recognizes his duty to assist in formulating educational regulations and policies, but recognizes the duty and responsibility of the college and university presidents and board staff to see that these regulations and policies are carried out.
5. Understands that in the selection of academic staff and all other college and university personnel the presidents, with comments as to approval or rejection by the Director of the Board staff, shall nominate candidates for these positions, and that the Board shall select nominees solely on merit.
6. Understands that he has no authority as an individual Board member but must act through the Board as a whole, and will abide by the decisions of the Board.
7. Will keep himself as well informed as possible about the conditions in the college and university system and about such other matters as will help him serve efficiently.
8. Will endeavor, as a representative of the public, to keep the public informed about the progress and needs of the college and university system.
9. Will refrain from making any commitment upon any matter which rests solely within the Board's authority for final discussion and decision.

10. Recognizing that all college and university personnel should work in close cooperation, will give his wholehearted support to the total educational program and will not publicly criticize college or university personnel, but will make such criticism to the appropriate authorities for investigation and action if necessary.
11. Will affiliate with appropriate professional organizations and take part in their activities as much as possible.
12. Will endeavor to see that all public college and university funds shall be expended efficiently, economically and for the best interest of the system.
13. Will attend Board meetings with an open mind and listen to what other Board members and other individuals or groups have to say before making final decisions.
14. Will view his responsibility as being to all students of the college and university system and, consider the program for the whole administrative unit when making decisions.
15. Will follow completely the procedures stipulated by Board policy or law in every case where an academic person or other employee is being tried for incompetency or other causes which may subject him to dismissal.

Bill Junkin
Executive Director

RULES

Governor's Consumer Protection Division

(Editor's Note: The following rules were adopted by the Director of the Governor's Consumer Protection Division, on November 10, 1975, and approved by the Consumer Protection Advisory Board on December 16, 1975. They will become effective on January 20, 1976.)

Title 2: Procedures

Chapter I—General Procedural Rules

Section 4. Notice

Prior to the adoption, amendment, or repeal of any rule, the Division shall give at least fifteen days notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely request of the agency for advance notice of its rule-making proceedings and shall be published at least once in the official state journal and the Louisiana Register. For the purpose of timely notice, the date of notice shall be deemed to be the date of publication of the issue of the Louisiana Register in which the notice appears, such publication date to be the publication date as stated on the first page of said issue.

Section 6. Emergency rules

If the Division finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than fifteen days notice, it shall so state in writing to the Governor of the State of Louisiana, the Attorney General of Louisiana, and the Division of Administration its reasons for that finding and may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable to adopt an emergency rule.

Section 8. Effective date of rule

Each rule hereafter adopted is effective upon its publication in the Louisiana Register, said publication to be subsequent to the act of adoption, except that:

- 1) If a later date is required by statute or specified in the rule, the later date is the effective date;
- 2) Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective on the date of its adoption, or on a date specified by the Division to be not more than sixty days future from the date of its adoption, provided written notice is given within three days of the date of adoption to the Governor of Louisiana, the Attorney General of Louisiana, and the Division of Administration as provided in CPR 2:6. Such emergency rule shall not remain in effect beyond the publication date of the Louisiana Register published in the month following the month in which the emergency rule is adopted, unless such rule and the reasons for adoption thereof are published in said issue; provided, however, that any emergency rule so published shall not be effective for a period longer than 120 days, but the adoption of an identical rule under CPR 2:4 and CPR 2:5 is

not precluded. The Division shall take appropriate measures to make emergency rules known to the persons who may be affected by them.

Section 10. Compliance with Federal regulations

When a rule is adopted, amended, or repealed in compliance with Federal regulations, the Division's notice of intent, if such is necessary, and the actual text of the rule as published in the Louisiana Register, shall be accompanied by a citation of the Federal Register issue in which the determining Federal regulation is published. Such citation shall be by volume, number, date, and page number.

Charles W. Tapp
Director

RULES

**State Board of Elementary
and Secondary Education**

(Editor's Note: The following rules were adopted by the State Board of Elementary and Secondary Education on December 18, 1975, to be effective January 20, 1976.)

- a) The substitution for 6.03.60, Policy and Procedure Manual, of the following policy relative to personnel in vocational-technical institutions:

6.03.61 High School Experience

In determining the increment level of beginning instructional employees in vocational-technical schools, related teaching experience at the elementary, secondary, or college level shall be allowed.

- b) The adoption until September 1, 1976, of the following emergency rule declared in the Louisiana Register on October 20, 1975:

3.01.70

An applicant seeking certification under Bulletin 746 (as revised in 1964) after September 1, 1975, may have his or her records reviewed for this purpose until September 1, 1976. During this time period, certification may be granted according to the 1964 standards only if the applicant completed the appropriate requirements prior to September 1, 1975.

- c) Delete 6.03.63.a and 6.03.63.b of the Policy and Procedure Manual and insert in lieu thereof the following:

6.03.63 Night School

Full-time day instructors in vocational-technical schools may be permitted to teach additional night or extension classes for a maximum of eight hours weekly. Compensation for such additional instruction shall be at the hourly wage provided for part-time instructors in extension and evening courses.

Earl Ingram
Director

RULE

**Louisiana Health and Human Resources Administration
Division of Family Services**

(Editor's Note: The following rules were adopted permanently by the Health and Human Resources Administration on January 5, 1976, to be effective on January 20, 1976. They have been in effect on an emergency basis since December 1, 1975.)

The Louisiana Health and Human Resources Administration, Division of Family Services, due to the amendment to R.S. 46:65 in the past legislative session is revising policy relative to the confidentiality of information so as to conform to current State law. The revised policy provides the following:

- A. Applications for assistance, and information contained in case records of clients of the Division of Family Services of the Louisiana Health and Human Resources Administration, shall be confidential and that it shall be unlawful for any person to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of applications or client case records or the information contained therein for any purpose not directly connected with the administration of the Family Services program.
- B. Publication of lists of names of clients or applicants is prohibited.
- C. The following information shall not be subject to waiver, and shall not be released to applicants,

recipients, or outside sources, except those outside sources engaged in the administration of the Family Services program:

- (1) Records pertaining to foster care of children, investigations of abuse or neglect of children, and other child welfare services.
- (2) Information furnished to the Division of Family Services by persons, governmental agencies, or other legal entities when such furnisher of information is subject to a confidentiality statute or regulation which prohibits release of such information to an outside source. For this provision to be applicable the limitations of the furnisher's confidentiality statute should be indicated on the material.
- (3) Information in case records pertaining to the Food Stamp Program.
- (4) Information contained in applications for assistance and case records that is furnished to all enforcement agencies or courts to aid in the prosecution of criminal offenses related to any Family Services program.
- (5) Information pertaining to adoption of children shall be strictly confidential and shall only be released to courts of competent jurisdiction in accordance with existing laws.
- (6) Information pertaining to foster care of children, reports and investigations on abuse or neglect of children, and records of other child welfare services, shall not be subject to subpoena in any judicial proceeding for legal separation, for divorce, or for custody of children incidental to a proceeding for legal separation or divorce; and in the event of the issuance of a subpoena for such information, or for any representative or employee of the Louisiana Health and Human Resources Administration to testify concerning an applicant or client in any such proceeding, the court's attention shall be called to this.

D. Confidential information may be released to an outside source, not directly connected with the administration of Family Services programs, only upon written request of the outside source and only after written waiver by the applicant, client, or his legal representative, governmental authorities, the courts, and law enforcement agencies shall be considered the same as any other outside source. Confidential information may be released to an

applicant, client, or his legal representative, provided that the applicant, client, or legal representative will be required to complete and sign a written waiver.

William H. Stewart, M.D.
Commissioner

RULES

Commission on Intergovernmental Relations

(Editor's Note: The following rules were adopted on January 5, 1976, to be effective January 20, 1976.)

General Rules and Regulations HUD 701 – Comprehensive Planning Assistance Program

I. Purpose

To institute and put forth the policies by which the State of Louisiana and the Louisiana Commission on Intergovernmental Relations (IGR), acting as the officially designated State agency to manage the Housing and Urban Development (HUD 701) Comprehensive Planning Assistance Program, will administer said program in the areas of regional planning and management and local assistance.

II. Definitions

As used in this part, the following terms will have the meaning indicated:

- A. "Consultant" means an organization, private or non-profit, which has entered into a legal contract with the Louisiana Commission on Intergovernmental Relations to do local assistance planning. A consultant can be a private planning agency or a substate planning district agency.
- B. "Sub-grantee" means a State agency, a private planning agency, any areawide planning organization or an urban parish which has entered into a legal contract with IGR.

III. Local Assistance Program

- A. Application Requirements

1. Applications for grant assistance are required on an annual basis.
2. Applications for local assistance grants will take the form of a resolution from the locality requesting such assistance. The resolution will conform to the standard resolution approved by IGR. Resolutions will be submitted to IGR by December 1 of each year.
3. The planning commission of the locality will submit a proposed scope of services to IGR on an annual basis following submittal of a resolution requesting planning assistance and prior to March 31.
4. Amendments to the local assistance work will be made in writing and will be signed by the planning commission chairman and will be submitted to IGR as soon as the need for a revision becomes evident. Proposed amendments will not be accepted by IGR after March 31. Final approval of any amendment will be with HUD.

B. Allocation of Funds for Local Assistance

1. All applicants submitting a resolution by December 1 will be considered. Eligible applicants will be determined based on HUD guidelines, and will be funded for eligible activities in accordance with the following criteria:
 - (a) The cost of certain elements will have a direct linear relationship to the size of a locality (i.e., mapping, existing land-use, housing).
 - (b) The cost of certain elements will not have a linear relationship to the size of a locality (i.e., population analysis, codes).
 - (c) In FY '75-'76, the substate districts, with the exception of Capital Regional Planning Commission and the Regional Planning Commission of Orleans, Jefferson, St. Bernard, St. Tammany, will provide the necessary data concerning existing land-use, base mapping, economic development, and future land-use on the parish level for purposes of comprehensive planning.

- (d) Official population projections, prepared by Georgios Christou and Harris Segal, will serve as the data base for all parish level population analyses.

C. Performance of Work

1. Preliminary local assistance plans will be scheduled for submittal to IGR by the subgrantee, submittal dates subject to the approval of IGR.
2. Non-performance of local assistance plans: Failure to comply with established preliminary planning report submittal dates as specified under contract, may result in the following action. A grace period beginning the first working day following the scheduled submittal date and not exceeding five working days will be allowed. Upon expiration of the grace period, there will be a daily deduction of two percent of the element cost, that cost as stipulated by contract, for each working day that the planning report is overdue past the grace period, up to a maximum of twenty-five percent. The entire contract may be subject to termination if the planning report is not submitted within thirty working days following the scheduled submittal date.
3. Local assistance plans will be subject to approval by IGR in regard to quality of work performed. Basic standards concerning a planning report will be issued by IGR. All subgrantees in their preparation and production of planning reports will meet these basic standards.
4. The following procedures will be followed by IGR and its subcontractors in the submittal of local assistance planning reports. Two copies of the preliminary report will be submitted to IGR, one copy to each planning commission member of the locality and one copy to the substate district planning agency in which the locality receiving planning assistance is located to arrive fifteen working days prior to the official planning commission meeting. The substate district staff will submit written comments to IGR within seven working days after receipt of the report. IGR will review the report and will send written comments to the planning commission members and to the consultants within

eight working days after receipt of the report.

5. Revisions, due to unfavorable comments from IGR concerning a planning report, will be discussed and resolved between IGR and the planning consultant prior to presentation of the report at an official meeting. If more than the allotted fifteen working days are necessary to resolve all unfavorable comments, the planning commission will be advised.
6. Final reports must be submitted to IGR upon completion and prior to June 30 of each year.

D. Publication and Depository Requirements

1. The individual reports and maps (hereinafter referred to as "product") which comprise a comprehensive plan will be published by the consultant in final form, each product under separate cover, within the same planning program year in which that product is funded.
2. Each final product will meet all HUD requirements for basic inclusions. In addition, each final product will include a title page and a roster sheet, utilizing the standard format prescribed by IGR, and a bibliography. All products, preliminary and final, will have affixed in a conspicuous location the following notation:

Comprehensive Planning Assistance Grant: (Contract No.) was prepared under contract for the Louisiana Commission on Intergovernmental Relations by (Name of Consultant). The preparation of this (report or map) was financially aided through a Federal grant from the Department of Housing and Urban Development under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended, and through the financial assistance, in part, by the State of Louisiana, Commission on Intergovernmental Relations and in part by (Recipient).

3. A consultant performing comprehensive local assistance plans will submit an original reproduceable or a duplicate film reproduceable of the base map of the locality to IGR.

4. The consultant will provide IGR with the appropriate number of copies of each of the final products based on the following distribution needs:

26 copies--Designated HUD depositories
2 copies--Louisiana Commission on Intergovernmental Relations
2 copies--Louisiana State Library
1 copy--Parish Library
5-9 copies--Planning Commission members
5-16 copies--Mayor, town councilmen, or police juries
25 copies--Locality (general use)

E. Procedures for Payment

1. The consultant must submit a standard invoice to IGR after approval of the final report by IGR and after presentation of the final report to the Planning Commission. The invoice must have the signature of the Planning Commission chairman or his designated representative. Comments from the Planning Commission, in the form of official meeting minutes, must be attached to the invoice. Processing of the invoice will require fifteen working days.

IV. Regional Planning and Management Program

A. Application Requirements

1. Applications for grant assistance are required on an annual basis.
2. Areawide planning organizations will submit Overall Program Designs to IGR by December 1 of each year. The format will be subject to the approval of IGR and HUD.
3. Amendments to the areawide planning organization's OPD will be made in writing and will be approved by the governing body of the areawide planning organization, and will be submitted to IGR as soon as the need for a revision becomes evident. Proposed amendments cannot be submitted to IGR after March 31. Final approval of any amendment will be with HUD.

B. Allocation of Funds for Regional Planning and Management

1. There will be an equitable distribution of

money based on five factors. These factors are: population of the substate district, excluding SMSA parishes; the number of localities in a substate district, excluding those within SMSA parishes; the number of square miles within a substate district, excluding SMSA parishes; the average percentage of poverty in the substate district; and the anticipated growth of the substate district. Performance of work will also be considered.

C. Performance of Work

1. Preliminary regional planning reports will be scheduled for submittal to IGR by the subgrantee, submittal dates subject to approval of IGR.
2. Non-performance of regional planning activities:
 - a. Grave discrepancies in the administration of the areawide 701 planning and management program resulting in mismanagement of funds or non-compliance with HUD and State regulations will result in the following action. Payment on the regional planning and management program will be stopped until such time that the affected areawide planning organization corrects the discrepancies to the satisfaction of Louisiana Commission on Intergovernmental Relations and Housing and Urban Development.
 - b. Non-compliance with established preliminary areawide planning report submittal dates, as outlined under contract, may result in the following action. A grace period beginning the first working day following the scheduled submittal date and not exceeding five working days will be allowed. Upon expiration of the grace period, there will be a daily deduction of two percent of the element cost, that cost as stipulated in the areawide planning organizations' AWP, for each working day that the planning report is overdue past the grace period, up to a maximum of twenty-five percent. The entire contract will be subject to termination if the planning report is not submitted

within thirty working days following the scheduled submittal date.

3. Areawide planning studies will be subject to approval by IGR in regard to quality of work performed. Basic standards concerning a planning report will be issued by IGR. All subgrantees in their preparation and production of planning reports will meet these basic standards.
4. Preliminary planning reports will be submitted to IGR for review and comment. Revisions, due to unfavorable comments from IGR, will be discussed and resolved between IGR and the substate district, metropolitan areawide planning organization, or urban parish.

D. Publication and Depository Requirements

1. The individual reports and maps (hereinafter referred to as "product") which are completed by a regional planning agency will be published by that agency, each product under separate cover, within the same planning program year in which that product is funded.
2. Each final product will meet all HUD requirements for basic inclusions. In addition, each final product will include a title page and a roster sheet, utilizing the standard format prescribed by IGR, and a bibliography. All products, preliminary and final, will have affixed in a conspicuous location the following notation:

Comprehensive Planning Assistance Grant: (Contract No.) was prepared under contract for the Louisiana Commission on Intergovernmental Relations by (Name of Consultant). The preparation of this (report or map) was financially aided through a Federal grant from the Department of Housing and Urban Development under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended, and through the financial assistance, in part, by the State of Louisiana, Commission on Intergovernmental Relations and in part by (Name of Recipient).

3. The regional planning agency will provide IGR with the appropriate number of copies

of each of the final products as outlined below. IGR will distribute these copies as follows:

- 26 copies—Designated HUD depositories
- 2 copies—Louisiana Commission on Intergovernmental Relations
- 2 copies—Louisiana State Library
- 1 to 10 copies—Appropriate parish libraries
- 1 to 10 copies—Appropriate parish police juries
- 25 copies (minimum)—General distribution

E. Procedure for Payment

1. The areawide planning organizations will invoice IGR on a cost incurred basis using a standard invoice form. The invoice will be in the amount of the expenses accrued and must be no less than one thousand dollars. These expenses are subject to monitoring by IGR. Requisitions must be signed by the regional planning commission chairman or his designated representative. The minutes of official meetings must be attached to the requisition.

V. General Program Requirements

A. Administrative Requirements

1. Quarterly reports on the progress of the work program will be submitted by all local assistance consultants on local assistance programs and by the APO's on regional planning and management programs to IGR. These reports are due fifteen working days following the close of the quarter. Quarters end on September 30, December 31, and March 31.

The quarterly report will include a narrative following the semi-annual report format prescribed in HUD Handbook II and will include a financial report following the format prescribed in HUD Handbook II.

2. The Annual Program Report will be submitted by all local assistance program consultants on local assistance work and by the APO's on regional planning and management work within sixty days following the close of the fiscal year, which is June 30. The completion report will follow the format prescribed in HUD Handbook II.

3. Subgrantees will comply with all HUD regulations as outlined in the Federal Register, Volume 37, Number 64, April 1, 1972, and Volume 39, Number 240, December 12, 1974. Subgrantees will also comply with all HUD regulations as outlined in HUD Handbooks I, II, and III.
4. In accordance with Section 135.20 (Federal Register, Volume 38, Number 203, page 29222), all subgrantees will comply with Section 3 of the Housing and Urban Development Act of 1968. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

B. Financial Support

1. Louisiana Commission on Intergovernmental Relations will support the regulations issued by the Department of Housing and Urban Development regarding the provision of financial support. (F.R., Vol. 39, No. 240, p. 43380, Section 600.106)

The amount of assistance provided by HUD shall be based upon the following:

- (a) The applicant's performance in administering its program in accordance with all HUD requirements, including these regulations;
- (b) The applicant's past performance in completing its activities in a timely fashion;
- (c) The applicant's progress toward the achievement of its identified objectives; and
- (d) The applicant's capability to undertake the activities for which assistance is requested.

These factors will be considered in the allocation of HUD 701 planning monies in subsequent years.

2. Monies allocated to planning firms, private or non-profit, but not distributed due to non-performance of work or non-compliance with HUD and State regulations, will be reallocated to other eligible applicants as long as IGR and HUD deem it practicable. All monies not so allocated will be returned to HUD.

C. Contracts

1. In accordance with HUD regulations (Federal Register, Volume 30, No. 240, p. 43386, Section 600, 120j), the Louisiana Commission on Intergovernmental Relations will require that the chief executive of the unit of general local government or, in the case of an areawide planning organization, the highest policy officer (e.g. chairman or president), affix his signature to the legal contract on the HUD grant agreement.
2. Any unit of local government which enters into a contract with IGR for the provision of local assistance planning will be required to establish and maintain a planning commission in conformance with R.S. 33:101 to 119 and R.S. 33:131 to 140.

D. Waivers

1. The Executive Director of IGR may grant a waiver to any of the policies governing the administration of the HUD 701 program provided that the waiver is not in conflict with HUD policies. A subgrantee desiring a waiver must submit a written request specifying the details of the desired waiver and accompanied by substantiative evidence that such a waiver is necessary. Approval of a waiver can be given only by the Executive Director or by his designated representative.

Leon Tarver
Director

RULES

Board of Pardons

(Editor's Note: The following rules were adopted by the Board of Pardons on January 5, 1975, to be effective on January 20, 1976.)

Pursuant to Act 593 which amends Sections 572 and 572.1 of Title 15 of the Louisiana Revised Statutes of 1950 and in compliance with the mandate established by Section 572.3 thereof, which provides, in part, that the Board may:

Adopt rules and regulations necessary to carry out the provisions of this Part and its duties and functions in connection therewith,

the following rules, having been adopted by the Louisiana Board of Pardons, will govern the processing of applications for pardons, commutation of sentences, or restoration of citizenship. It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

Rule 1

To constitute a complete application for pardon, commutation of sentence, or restoration of citizenship an applicant must comply with two basic requirements.

- a) Submit a petition setting forth the name of applicant, age, offense, parish where tried, judicial district, sentence and date, length of time served, where served, date of parole or probation, date discharged, reasons for requesting clemency, and relief desired. The petition shall be signed and dated and contain a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned above. In the case of a request for pardon or restoration of citizenship, all previous convictions for which applicant is not pardoned, must be listed. There will be no deadlines for purposes of filing petitions.
- b) Have published in a newspaper, whose distribution includes the parish where the offense is alleged to have been committed, one advertisement that indicates applicant's intent to apply to the Board for clemency. For purpose of compliance with this rule, the Board will accept an application received within one year of date of appearance of the advertisement. The applicant shall provide the Board with proof of publication as evidenced by a certificate furnished by said newspaper.

Rule 2

The Board shall meet on the second Tuesday of every month. It also shall meet at such other times as the Chairman may determine necessary for the purpose of

reviewing and taking action upon applications for pardons pending before it and to transact other business as it deems necessary.

Rule 3

It shall be the responsibility of the Board to ensure that before rendering a recommendation in any case, that it obtains pertinent documents and other information from the Department of Corrections, Penal Institutions, and Clerks of Court.

Rule 4

An application may be considered by it anytime after it is received by the Board but no application will be considered by the Board until it deems the application to have been completed and proper notice given as required by the next Rule.

Rule 5

Upon receipt of an application, same shall be registered chronologically. Before considering the application for pardon of any person, the Board shall give written notice to the District Attorney of the parish in which the applicant was convicted, to the applicant, and any other interested persons of the date, time, and place at which the application will be heard and considered. The District Attorney and any other persons who desire to do so shall be given a reasonable opportunity to attend the meeting and be heard.

Rule 6

In addition to those requirements established by Rule 1 (petition and publication) all applicants are encouraged to furnish the Board with letters, affidavits, or signed petitions supporting a request for clemency.

Rule 7

To demonstrate good faith to the Board, an applicant should provide the Board with both an employment and residence agreement. However, neither an employment agreement nor a residence agreement are required documents but are encouraged. The agreement shall inform the Board of the applicant's plans for the present and/or future.

Rule 8

First offenders, who were sentenced after January 1, 1975, will be automatically pardoned under the provisions of the Constitution, Article 4, Section 5(e) or R.S. 15:572(b). This Rule shall not discourage any first

offender from applying for relief from this Board prior to the expiration of his term.

First offenders who had the imposition of their sentence suspended by the Court prior to January 1, 1975, are directed to apply to the Court for dismissal of the charges under the provision of Louisiana Code of Criminal Procedure, Articles 893 and 894, and any such application which they file with the Pardon Board should indicate whether they have made such application to the sentencing court.

Rule 9

The Board upon denying an application shall within twenty-one working days inform the applicant of the denial and the fact that the Board shall review applicant's petition automatically at least once again at a time established at the Board's discretion, but no more than one year from date of receipt of original petition.

Any additional application or reapplication normally will not be considered unless one year shall have elapsed since the date of the last action on applicant's file. The Board in its discretion may consider an application within a year after its last action. However, such an application filed without prior approval of the Board is subject to deferred docketing.

Rule 10

The Board shall from time to time automatically review certain cases of individuals confined without any action on the latter's part as determined by the Board, being guided by the length of sentence, nature of the offense, conduct during confinement, and recommendation of the warden or superintendent of the institution where confined.

Rule 11

Applicants denied before September, 1975, can have their cases heard anew by complying with the provisions of Rule 1 (petition and publication).

Rule 12

Applicants are encouraged to provide the Board with the names of those persons he or she anticipates will appear in person. Applicants not confined are advised to make a personal appearance in their own behalf.

Rule 13

The Board will submit recommendations to the

Governor that will serve the best interest of the applicant and the State and that are not contrary to the established laws of the State.

Rule 14

Unless provided subsequent hereto, the above mentioned enumerated thirteen rules shall compose the rules of the Board of Pardons as adopted this 5th day of January, 1976.

John D. Hunter
Chairman

RULES

Board of Regents

(Editor's Note: The following rule was adopted on December 17, 1975, to become effective on January 20, 1976.)

3.7 Emeritus Status

Effective January 1, 1976, no compensation in addition to normal retirement is to be paid in connection with the granting of the honorary title of "Emeritus." However, office services and quarters may be furnished in State facilities at no charge. Recipients of this title may receive additional compensation on a contractual basis for services rendered to or for State agencies. Such contracts are to conform with applicable State laws and regulations. All prior commitments may continue within applicable State laws and regulations until termination of the agreement or demise of the title holder.

William Arceneaux
Commissioner of Higher Education

RULES

Board of Trustees of the Teachers' Retirement System

(Editor's Note: The following rules were adopted by the Board of Trustees of the Teachers' Retirement System on December 12, 1975, to be effective on January 20, 1976.)

1. Transfers must be approved by the system the member is leaving.
2. Transfer of service will be approved for any credit in any state, municipal, or parochial public retirement system for any member now eligible for Teachers' Retirement System upon approval of both boards of trustees.
3. If employee and/or employer contributions being transferred are less than the contributions that would have been payable had the same earnings occurred as a member of our system the member must pay the difference plus five percent interest per annum compounded. For this amount to be acceptable the earnings on which the computation is based must be a reasonable salary for the amount of credit to be gained and will be subject to approval by the Board of Trustees. Employee and employer contributions would have to be made on full salary earned in the position held, even if social security contributions were paid on a portion of said salary. In cases of doubt, where a salary appears unreasonable for the amount of service credit to be gained, Teachers' Retirement System shall have the right to require salary certification from the employer before granting credit for any year in question.
4. In no case shall a transfer of credit from any or all retirement systems combined with credit in Teachers' Retirement System afford more than 100% or one full year of credit for any twelve month period. Fractions of a year to be rounded to hundredths of a year.
 - a. Any member who has prior service credit which was obtained at no cost in another system shall have to pay for such service at applicable contribution rates in existence for our system in order to obtain credit in this system.
5. Members who have previously obtained reciprocal transfers may apply for a total transfer under Act 548 of 1975 under the same provisions as any other eligible member of Teachers' Retirement System.
6. After the date on which the transfer is completed the system from which the member transfers shall have no liability for the member's retirement account. The member, his beneficiary and/or survivors shall have all the rights and privileges of the system to which he has transferred except for Paragraph E of the act concerning eligibility for a retirement benefit.

Carleton C. Page
Secretary-Treasurer

RULES

Wildlife and Fisheries Commission

(Editor's Note: The following rule was adopted on December 19, 1975, to be effective on January 20, 1976.)

WHEREAS, Act 616, sponsored by the Louisiana Oyster Dealers and Growers Association, adopted during the Regular Session of the 1974 State Legislature, authorized the Louisiana Wildlife and Fisheries Commission to regulate the size limit and area closures after January 1 of each year on state controlled oyster seed grounds, and only after affording all interested parties an opportunity to be heard, and

WHEREAS, a resolution from the Louisiana Oyster Dealers and Growers Association was submitted requesting the removal of the size limit for economic reasons, but requesting a closing date of April 15, 1976.

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby approve the removal of the three-inch size limit on all state controlled oyster seed grounds and natural reefs, with the exception of Calcasieu Lake, after December 31, 1975, and imposes a closing date of one-half hour before sunset on April 15, 1976.

BE IT FURTHER RESOLVED that Calcasieu Lake will continue to have a three-inch size limit for oyster harvesting and that the season will close on March 31, 1976.

* * * *

(Editor's Note: The following rule was adopted on November 18, 1975, to be effective on January 20, 1976.)

WHEREAS, 45,000 hybrid (white bass–striped bass) bass fingerlings were stocked in False River, Pointe Coupee Parish, in May 1975, and

WHEREAS, these fish though not likely to reproduce, have the potential of reaching fifteen–twenty pounds, feeding primarily on gizzard shad which are very numerous in the lake, and

WHEREAS, these hybrids now average ten inches in

length and are being caught in large numbers by sportfishermen,

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby imposes the establishment of a statewide two fish daily, four fish possession limit on hybrid bass.

J. Burton Angelle, Sr.
Director

Notices of Intent

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950 as amended, a public hearing will be held in the Mineral Board Room of the State Land and Natural Resources Building, Baton Rouge, Louisiana, beginning at 1:30 p.m., February 26, 1976.

At such hearing, the Board will consider the addition of the following to its, "Faculty and Staff Personnel Policies and Procedures."

Section 7.1 Age

A. Administrative Personnel

Presidents of colleges and universities, and anyone holding a position in an administrative capacity under the Board shall be retired at the age of sixty-five years, with the provision that a person attaining age sixty-five in a school year will be permitted to continue until the end of the year.

B. Extension—Beyond Age Sixty-five

1. No person shall be continued in the employment of the Board beyond the end of the fiscal year in which that person reaches the age of sixty-five years unless, on application made for such continuation, the Board finds that such person is mentally, physically, temperamentally, and morally fit to perform his duties, in which event the Board may, at its discretion, extend the employment of such person one year at a time, but not beyond the end

of the fiscal year in which such person reaches the age of sixty-eight years.

2. Any person requesting retention beyond the age of sixty-five years shall submit an application in writing prior to April 1 of the year in which such person would be retired.

3. All applications for extension must be supported by the concurrence and written certification by the president of the institution that, in his opinion, the person recommended is mentally, physically, temperamentally, and morally fit to continue in service and to perform his duties satisfactorily for one additional year beyond the age of sixty-five years, or for one year additional beyond the retirement period previously extended, together with such other pertinent information and reasons for continuing the employment as are within the knowledge of the party making the certificate. If the party making the certificate knows the facts through his own personal knowledge, he shall so state. If the recommendation for retention is based upon the recommendation of or information by a dean, department head, or other similar official having knowledge of the facts, the application shall be accompanied by a similar certificate executed by such dean, department head, or other such person. The Board shall have the right to require such other information or evidence as it deems necessary in each case.

4. All employees at the institutions under the jurisdiction of the Board who have reached the age of sixty-five must take and pass a physical examination showing that they are physically able to continue working in their present positions without injury to their health; written results of the examinations shall be made a part of the personnel records in the institution and must be reported to the Board.

5. The above policy of the Board which allows each college and university president to exercise his judgment in individual requests shall be continued until June 30, 1977, in accordance with present policy. On June 30, 1977, the termination of employment will be mandatory at age sixty-five, with the provision that a person attaining age sixty-five in a school year will be permitted to continue until the end of the year.

All college and university presidents shall be directed immediately to abide by the present policy of the Board and shall exercise judgment in each individual request for continuation of employment

after the age of sixty-five for one year for those employees who meet the criteria set forth by the Board; any statements in handbooks or documents of the colleges and universities that categorically deny any employment after age sixty-five shall be eliminated. Remuneration for the rank of president emeritus shall be discontinued with attrition taking care of those presidents presently drawing president emeritus pay.

Section 7.2

A. Rank Distribution

Special care shall be exercised in assigning faculty ranks to new appointees and in making promotions in rank from year to year. The following table provides guidelines and limitations on assignments of ranks within each institution:

Academic Rank	Range	Percentage Not to Exceed
Professor	20-35%	35%
Associate Professor	25-35%	70%

Section 7.3

A. Off-Campus Laboratory Schools

Effective the school year 1976-77, the college or university shall pay a salary to fully qualified and certified cooperating teachers in accordance with the following schedule:

- \$200 per semester for first student teacher at a given school
- \$175 per semester for second student teacher at a given school
- \$50 per semester for each additional student teacher to a maximum of \$500 for the semester at a given school.

The college or university shall pay principals of schools where student teaching is done according to the following schedule:

\$50 per semester for each cooperating teacher used in the program to a total of ten (\$500 is the maximum per semester that may be paid a principal).

The Board of Trustees for State Colleges and Universities will accept written comments until 5:00 p.m., Monday, February 16, 1976, at the following address:

Board of Trustees for State
Colleges and Universities
P. O. Box 44307, Capitol Station
Baton Rouge, Louisiana 70804.

The public is made aware of the above proposed changes in compliance with R.S. 49:951-966.

All interested persons will be afforded reasonable opportunity to submit data, views, comments or arguments at the regular February Board meeting.

Bill Junkin
Executive Director

NOTICE OF INTENT

State Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to take up at its regular February, 1976, meeting the consideration of the proposal stated below (public notification stated herein indicates no prior approval, merely the intention to consider):

The addition on a permanent basis to the State Adult Education Plan of policies relative to the allocation of adult Indo-Chinese refugee education funds as published in the January 20, 1976, issue of the Louisiana Register as an emergency rule.

The State Board of Elementary and Secondary Education will accept written comments until 5:00 p.m., February 4, 1976, at the following address:

State of Louisiana
Board of Elementary and
Secondary Education
P. O. Box 44064
Baton Rouge, Louisiana 70804

The public is made aware of the consideration of the above suggested rule change proposals in compliance with R.S. 49:951 et seq.

All interested parties will be afforded reasonable opportunity to submit data, views, comments, or arguments at the regular February Board meeting.

Earl Ingram
Director

NOTICE OF INTENT

Louisiana Health and Human Resources Administration Division of Health

The Commissioner, Louisiana Health and Human Resources Administration, proposes to adopt procedural rules for applications and administrative hearings for all matters handled by the Division of Health of said agency except the Office of Vital Statistics. The Commissioner proposes to adopt the said rules on February 6, 1976.

Interested persons may obtain copies of the proposed rules and submit written comments until February 5, 1976, at the following address:

Dr. John M. Bruce
Director
Division of Health
Louisiana Health and Human
Resources Administration
Room 513
Louisiana State Office Building
325 Loyola Avenue
New Orleans, Louisiana 70112

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Louisiana Health and Human Resources Administration Division of Health

Notice is hereby given that the Louisiana Health and Human Resources Administration intends to adopt an amendment to Section 5.B.4 of the State Sanitary Code entitled "Imported Milk and Milk Products." The Commissioner, Louisiana Health and Human Resources Administration, will accept written comments and requests for modification of the said section of the Sanitary Code until 4:00 p.m. on February 9, 1976, at the following address: John M. Bruce, M.D., Director, Division of Health, Room 513, Louisiana State Office Building, 325 Loyola Avenue, P. O. Box 60630, New Orleans, Louisiana 70112.

The proposed amended section 5.B.4 of the State Sanitary Code, adopted as an Emergency Rule, is published in this issue of the Louisiana Register in the Section which is entitled Emergency Rules.

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

**Health and Human Resources Administration
Division of Youth Services**

The Health and Human Resources Administration, Division of Youth Services intends to amend Sections 2.6-1, 2.11-1, and 3.5-1 of the State Plan for Child Support Enforcement and Establishment of Paternity under Title IV-D of the Social Security Act. Amendments may be reviewed at the office of the Division of Youth Services from 8:30 a.m. through 4:00 p.m. Monday through Friday.

Interested parties may address comments and questions to the following:

Mr. Robert R. Rochester, Director
Division of Youth Services
P. O. Box 44141
Baton Rouge, Louisiana 70804

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Louisiana Real Estate Commission

Pursuant to R.S. 49:951, et seq., notice is hereby given that the Louisiana Real Estate Commission intends to consider at its March 10-11, 1976, meeting adoption of new and/or revised Rules and Regulations for the conduct of the real estate business in the State of Louisiana.

Interested persons may present their views, in writing, to the Louisiana Real Estate Commission, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana 70804 not later than March 5, 1976.

Alvin J. Unick
Director

NOTICE OF INTENT

Board of Regents

Notice is hereby given that the Louisiana Board of Regents intends to adopt fiscal policy 3.11—Intercollegiate Athletic Contracts and Agreements at its regular February, 1976, meeting.

The proposed policy is available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day, at the Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions up to fifteen days following publication of this Notice of Intent at the following address:

Louisiana Board of Regents
P. O. Box 44362, Capitol Station
Baton Rouge, Louisiana 70804
(504) 389-5206

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission proposes to adopt permanently a resolution closing Lake Bistineau to all fish netting except minnow seines. This rule has been in effect on an emergency basis since November 25, 1975. The resolution will be considered at a meeting on February 24, 1976, in the Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, 70130.

Interested persons may submit written comments to the above address until February 4, 1976. Reasonable opportunity for oral comment will be permitted at the meeting.

J. Burton Angelle, Sr.
Director

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